

**PETITION FOR ZONING RE-CLASSIFICATION  
SPECIAL EXCEPTION AND/OR VARIANCE**

TO THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition (1) that the zoning status of the herein described property be re-classified, pursuant to the Zoning Law of Baltimore County, from an DR 5.5 zone to an R-O zone, for the reasons given in the attached statement; and (2) for a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property, for 6707 Loch Raven Boulevard

and (3) for the reasons given in the attached statement, a variance from the following sections of the Zoning Law and Zoning Regulations of Baltimore County:

RECEIVED  
BALTIMORE COUNTY  
MAR 7 10 25 AM '81  
COUNTY BOARD  
OF APPEALS  
BY: \_\_\_\_\_

APR 30 1981  
SECTION  
COUNTY BOARD  
OF APPEALS  
BY: \_\_\_\_\_

Property is to be posted and advertised as prescribed by The Baltimore County Code.

I, or we, agree to pay expenses of above Re-classification, Special Exception and/or Variance, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser: \_\_\_\_\_  
(Type or Print Name)  
Signature: \_\_\_\_\_  
Address: \_\_\_\_\_  
City and State: \_\_\_\_\_

Legal Owner(s): Edward H. Hilda Sawicki  
(Type or Print Name)  
Signature: \_\_\_\_\_  
Address: 6707 Loch Raven Blvd. 83577  
City and State: Baltimore, Md. 21239

Attorney for Petitioner:  
Charles E. Brooks  
(Type or Print Name)  
Signature: \_\_\_\_\_  
Address: 610 Bosley Avenue  
City and State: Towson, Maryland 21204

Name, address and phone number of legal owner, contract purchaser or representative to be contacted  
Name: N/A  
Address: \_\_\_\_\_  
City and State: \_\_\_\_\_  
Phone No.: \_\_\_\_\_

Attorney's Telephone No.: 296-2600  
Address: \_\_\_\_\_  
Phone No.: \_\_\_\_\_

BABC-Form 1

**PETITION FOR ZONING RE-CLASSIFICATION  
SPECIAL EXCEPTION AND/OR VARIANCE**

TO THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition (1) that the zoning status of the herein described property be re-classified, pursuant to the Zoning Law of Baltimore County, from an DR 5.5 zone to an R-O zone, for the reasons given in the attached statement; and (2) for a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property, for 6709 Loch Raven Boulevard

and (3) for the reasons given in the attached statement, a variance from the following sections of the Zoning Law and Zoning Regulations of Baltimore County:

RECEIVED  
BALTIMORE COUNTY  
MAR 7 10 25 AM '81  
COUNTY BOARD  
OF APPEALS  
BY: \_\_\_\_\_

APR 30 1981  
SECTION  
COUNTY BOARD  
OF APPEALS  
BY: \_\_\_\_\_

Property is to be posted and advertised as prescribed by The Baltimore County Code.

I, or we, agree to pay expenses of above Re-classification, Special Exception and/or Variance, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser: \_\_\_\_\_  
(Type or Print Name)  
Signature: \_\_\_\_\_  
Address: \_\_\_\_\_  
City and State: \_\_\_\_\_

Legal Owner(s): GEORGE J. SEIDEL SR  
(Type or Print Name)  
Signature: \_\_\_\_\_  
Address: 6709 Loch Raven Blvd  
City and State: Baltimore, Md. 21239

Attorney for Petitioner:  
Charles E. Brooks  
(Type or Print Name)  
Signature: \_\_\_\_\_  
Address: 610 Bosley Avenue  
City and State: Towson, Maryland 21204

Name, address and phone number of legal owner, contract purchaser or representative to be contacted  
Name: N/A  
Address: \_\_\_\_\_  
City and State: \_\_\_\_\_  
Phone No.: \_\_\_\_\_

Attorney's Telephone No.: 296-2600  
Address: \_\_\_\_\_  
Phone No.: \_\_\_\_\_

BABC-Form 1

**PETITION FOR ZONING RE-CLASSIFICATION  
SPECIAL EXCEPTION AND/OR VARIANCE**

TO THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY:

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and (3) for the reasons given in the attached statement, a variance from the following sections of the Zoning Law and Zoning Regulations of Baltimore County:

RECEIVED  
BALTIMORE COUNTY  
MAR 7 10 25 AM '81  
COUNTY BOARD  
OF APPEALS  
BY: \_\_\_\_\_

APR 30 1981  
SECTION  
COUNTY BOARD  
OF APPEALS  
BY: \_\_\_\_\_

Property is to be posted and advertised as prescribed by The Baltimore County Code.

I, or we, agree to pay expenses of above Re-classification, Special Exception and/or Variance, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser: \_\_\_\_\_  
(Type or Print Name)  
Signature: \_\_\_\_\_  
Address: \_\_\_\_\_  
City and State: \_\_\_\_\_

Legal Owner(s): Nick G. Stamatacos  
(Type or Print Name)  
Signature: \_\_\_\_\_  
Address: 6711 Loch Raven Boulevard  
City and State: Baltimore, Maryland 21239

Attorney for Petitioner:  
Charles E. Brooks  
(Type or Print Name)  
Signature: \_\_\_\_\_  
Address: 610 Bosley Avenue  
City and State: Towson, Maryland 21204

Name, address and phone number of legal owner, contract purchaser or representative to be contacted  
Name: N/A  
Address: \_\_\_\_\_  
City and State: \_\_\_\_\_  
Phone No.: \_\_\_\_\_

Attorney's Telephone No.: 296-2600  
Address: \_\_\_\_\_  
Phone No.: \_\_\_\_\_

BABC-Form 1

**PETITION FOR ZONING RE-CLASSIFICATION AND  
SPECIAL EXCEPTION AND/OR VARIANCE**

TO THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition (1) that the zoning status of the herein described property be re-classified, pursuant to the Zoning Law of Baltimore County, from an DR 5.5 zone to an R-O zone, for the reasons given in the attached statement; and (2) for a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property, for 6801 Loch Raven Boulevard

and (3) for the reasons given in the attached statement, a variance from the following sections of the Zoning Law and Zoning Regulations of Baltimore County:

RECEIVED  
BALTIMORE COUNTY  
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COUNTY BOARD  
OF APPEALS  
BY: \_\_\_\_\_

APR 30 1981  
SECTION  
COUNTY BOARD  
OF APPEALS  
BY: \_\_\_\_\_

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I, or we, agree to pay expenses of above Re-classification, Special Exception and/or Variance, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser: \_\_\_\_\_  
(Type or Print Name)  
Signature: \_\_\_\_\_  
Address: \_\_\_\_\_  
City and State: \_\_\_\_\_

Legal Owner(s): ARTHUR F. GNAU  
(Type or Print Name)  
Signature: \_\_\_\_\_  
Address: 6801 Loch Raven Boulevard  
City and State: Baltimore, Maryland 21204

Attorney for Petitioner:  
Charles E. Brooks  
(Type or Print Name)  
Signature: \_\_\_\_\_  
Address: 610 Bosley Avenue  
City and State: Towson, Maryland 21204

Name, address and phone number of legal owner, contract purchaser or representative to be contacted  
Name: N/A  
Address: \_\_\_\_\_  
City and State: \_\_\_\_\_  
Phone No.: \_\_\_\_\_

Attorney's Telephone No.: 296-2600  
Address: \_\_\_\_\_  
Phone No.: \_\_\_\_\_

BABC-Form 1

**BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE**

April 29, 1981

COUNTY OFFICE BLDG.  
111 M. Chesapeake Ave.  
Towson, Maryland 21204

Charles E. Brooks, Esquire  
610 Bosley Avenue  
Towson, Maryland 21204

o o o  
Nicholas B. Comodari  
Chairman

RE: Item No.8 (Cycle 1 - April-Oct. 1981)  
Petitioner - Arthur F. Gnau, et al  
Reclassification and  
Redistricting Petition

MEMBERS  
Bureau of Engineering  
Department of Traffic Engineering  
State Roads Commission  
Bureau of Fire Prevention  
Health Department  
Project Planning  
Building Department  
Board of Education  
Zoning Administration  
Industrial Development

Dear Mr. Brooks:

This reclassification and redistricting petition has been timely filed with the Board of Appeals for a public hearing within the 1st 1980-81 zoning cycle.

The petition has been reviewed by the Zoning Office as to form and content and has also been reviewed by the Zoning Plans Advisory Committee.

The review and enclosed comments from the Committee are intended to provide you and the Board of Appeals with an insight as to conflicts or problems that could arise from the requested reclassification or uses and improvements that may be specified as part of the request. They are not intended to indicate the appropriateness of the zoning action requested.

If it has been suggested that the petition forms, descriptions, briefs, and/or the site plans be amended so as to reflect better compliance with the zoning regulations and commenting agencies' standards and policies, you are requested to review these comments, make your own judgement as to their accuracy and submit the necessary amendments to this office before May 29th. In the event that any requested amendments are not received prior to this date, the petition will be advertised as originally submitted.

This petition represents a request to rezone five properties located on the east side of Loch Raven Blvd. north of Sayward Road in the 9th Election District. The properties are each improved with a large stone individual dwelling, while property to the north is zoned B.L. and is improved with a former restaurant and associated parking facilities. To the west across Loch Raven Blvd. is vacant property zoned O-1 and D.R.5.5.

As originally submitted, the request was to rezone these properties from their existing D.R.5.5 zone to an R-O zone. However, after further investigation, it was decided that the northerly portion of the subject property, indicated as owned by Arthur F. Gnau, et ux and formerly used

Item No.8 (Cycle 1 - April-Oct. 1981)  
Petitioner - Arthur F. Gnau, et al  
Reclassification and  
Redistricting Petition

as a parking area for the vacant restaurant, should be rezoned to a B.L. - C.C.C. in order to avoid any problems in the future when the anticipated redevelopment of this property begins. Revised site plans and descriptions have been submitted to reflect this change and the petition forms signed by Arthur F. Gnau, et ux have been revised. However, as we discussed, amended briefs explaining the reasons for the proposed commercial zoning, would be forthcoming.

If you have any questions concerning the enclosed comments, please feel free to contact me at 494-3391. Notice of the specific hearing date, which will be between September and December of 1981, will be forwarded to you in the future.

Very truly yours,

*Nicholas B. Comodari*  
NICHOLAS B. COMODARI  
Chairman  
Zoning Plans Advisory Committee

NBC:bac

Enclosures

cc: Development Design Group, Ltd.  
216 Washington Avenue  
Towson, Maryland 21204



BALTIMORE COUNTY  
DEPARTMENT OF PUBLIC WORKS  
TOWSON, MARYLAND 21204

HARRY J. PISTEL, P. E.  
DIRECTOR

April 1, 1981

Mr. Walter A. Reiter, Jr.  
Chairman, Board of Appeals  
Court House  
Towson, Maryland 21204

Re: Item #8 (Cycle I - April-October 1981)  
Property Owner: Arthur F. Gnau, Et al  
E/S Loch Raven Blvd. 180' N. of Sayward Rd.  
Existing Zoning: D.R. 5.5  
Proposed Zoning: R-O  
Acres: 6.41 District: 9th

Dear Mr. Reiter,

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

**General:**

This property comprises Lots 1 through 13 of the plat "Property of Arthur Gnau, Loch Knoll Manor", recorded J.W.B. 14, Folio 21.

Comments were supplied in connection with the Zoning Advisory Committee review of a portion of this overall property for Item #101 (1971-1972).

**Highways:**

Loch Raven Boulevard (Md. 542) is a State Road; therefore, all improvements, intersections, entrances and drainage requirements as they affect the road come under the jurisdiction of the Maryland State Highway Administration. Any utility construction within the State Road right-of-way will be subject to the standards, specifications and approval of the State in addition to those of Baltimore County.

Entrance locations are also subject to the approval of the Baltimore County Department of Traffic Engineering.

**Sediment Control:**

Development of this property through stripping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

**BALTIMORE COUNTY**

**ZONING PLANS**

**ADVISORY COMMITTEE**



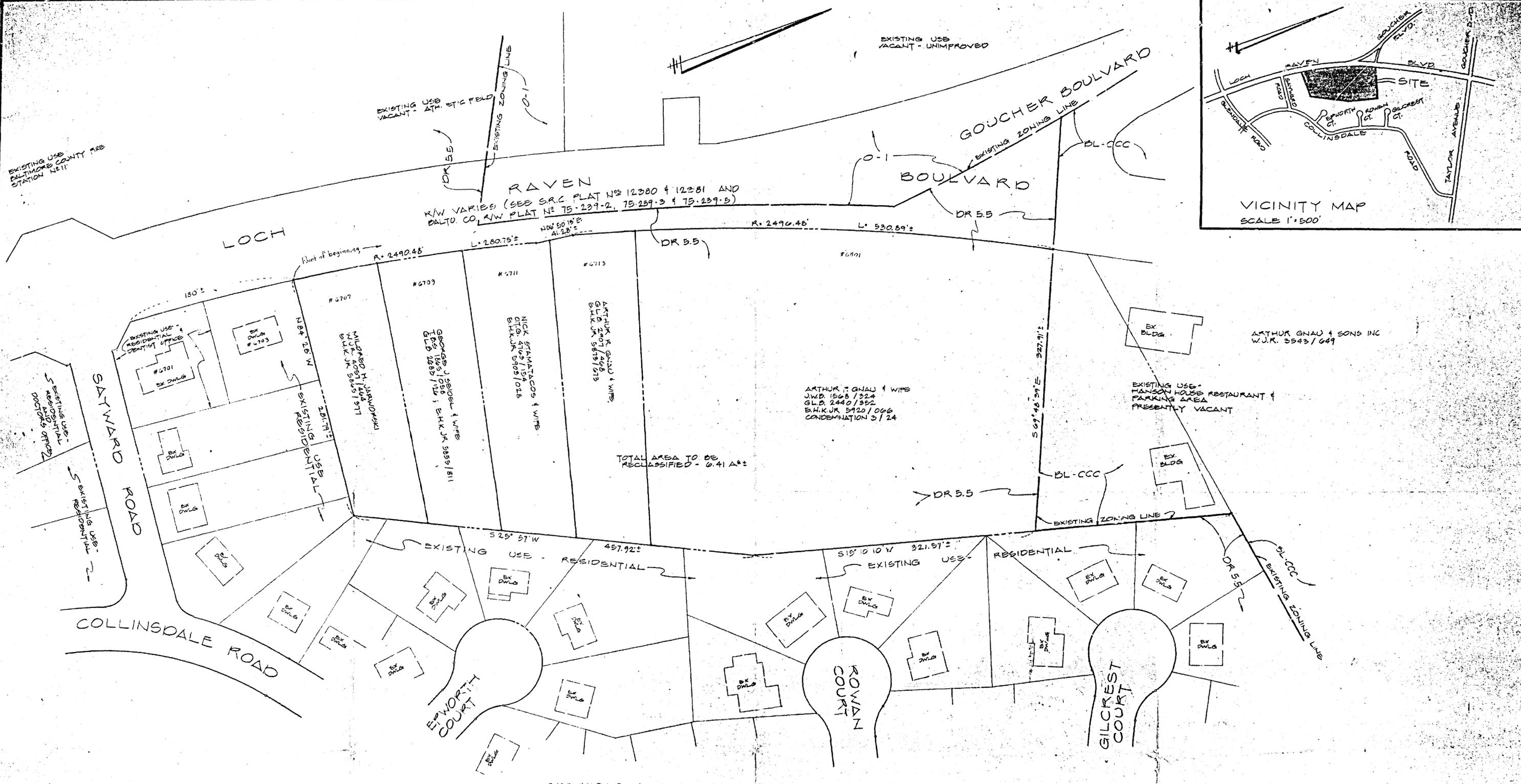
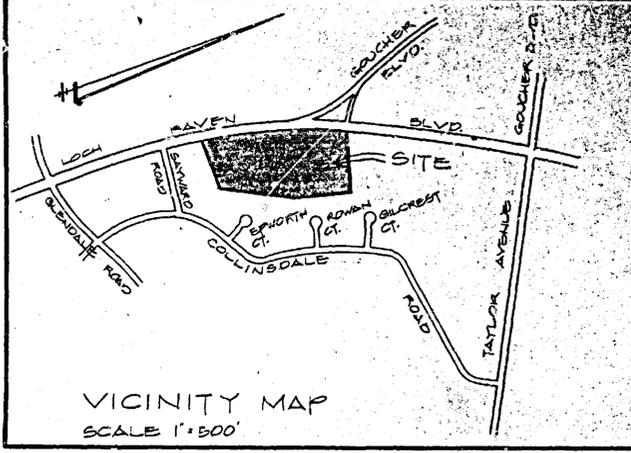
**PETITION AND SITE PLAN**

**EVALUATION COMMENTS**

EXISTING USE  
BALTIMORE COUNTY FIRE  
STATION #E11

EXISTING USE  
VACANT - ATM. ST. FELD

EXISTING USE  
VACANT - UNIMPROVED



RAVEN BOULEVARD  
R/W VARIES (SEE S.R.C. PLAT N<sup>o</sup>s 12380 & 12381 AND DALTO. CO. R/W PLAT N<sup>o</sup>s 75-239-2, 75-239-3 & 75-239-5)

ARTHUR GNAU & SONS INC  
W.J.K. 3343/649

ARTHUR J. GNAU & WIFE  
J.W.D. 1968/1324  
G.L.B. 2440/1352  
E.H.K.K.R. 5920/096  
CONDEMNATION 3/24

TOTAL AREA TO BE RECLASSIFIED - 0.41 A<sup>c</sup>±

SUBD. VISION PLAN  
PLAT ONE  
SECTION TWO  
HILLENDALE  
G.L.B. 22 FOLIO 13

PLAT TO ACCOMPANY  
ZONING PETITION FOR RECLASSIFICATION  
FROM EXISTING DR 5.5 ZONE TO RO ZONE  
PROPERTY EAST SIDE OF LOCH RAVEN BOULEVARD  
180'± NORTH OF SATWARD ROAD

BALTIMORE COUNTY, MARYLAND ELECTION DISTRICT N<sup>o</sup> 9  
SCALE: 1"=50' DATE: FEBRUARY 25, 1981

NOTE:  
THIS PLAT HAS BEEN PREPARED FROM  
DEEDS AND PLATS BY OTHERS AND DOES  
NOT REPRESENT A FIELD SURVEY.



DEVELOPMENT DESIGN GROUP, LTD.  
216 WASHINGTON AVENUE  
TOWSON, MARYLAND 21204



*E. Hennegan*

R-32-68

Arthur F. Ganu, et al

v.

People's Counsel of  
Baltimore County

\* IN THE  
\* COURT OF SPECIAL APPEALS  
\* OF MARYLAND  
\* No. 733, September Term, 1984

ORDER

This case coming on for hearing and the parties being agreed that the matter is now moot, it is this 13<sup>th</sup> day of January, 1985, ORDERED, that the case be, and is hereby, dismissed.



*Robert M. Bell*  
Robert M. Bell, Chief Judge

*Theodore G. Bloom*  
Theodore G. Bloom, Judge

*Robert M. Bell*  
Robert M. Bell, Judge

RECEIVED  
COUNTY BOARD OF APPEALS  
JAN 18 A 10:06

Storm Drains:

Provisions for accommodating storm water or drainage have not been indicated on the submitted plan.

The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Petitioner.

Water and Sanitary Sewer:

There is a public 24-inch water main in Loch Raven Boulevard, and there is 8-inch public sanitary sewerage within Baltimore County utility easements, which serve the present improvements.

Additional fire hydrant protection is required in this vicinity.

Very truly yours,

*Robert A. Morkon*  
ROBERT A. MORKON, P.E., Chief  
Bureau of Public Services

RAM:EAM:FWR:ss

cc: Jack Wimbley  
William Munchel

N-W Key Sheet  
31 & 32 NE 7 & 8 Pos. Sheets  
NE 8B Topo  
70 & 80 Tax Maps

Attachment

INTER-OFFICE CORRESPONDENCE

To: S. Eric DiMenna  
ATTN: Oliver L. Myers Date: January 5, 1972

FROM: ELLSWORTH N. DIVER, P.E.

SUBJECT: Item #101 (1971-1972)  
Property Owner: Arthur F. Gnau and Estelle E. Gnau  
Rear of 5271 Loch Raven Boulevard  
Present Zoning: D.R.  
Proposed Zoning: Special Exception for service garage  
District: 9th  
No. Acres: 0.922

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

Highways:

Loch Raven Boulevard (Md. 542) is a State Road; therefore, all improvements, intersections and entrances on this road will be subject to State Highway Administration requirements.

Sediment Control:

Development of this property through stripping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

Storm Drains:

Provisions for accommodating storm water or drainage have not been indicated on the submitted plan.

Loch Raven Boulevard (Md. 542) is a State Road. Therefore, drainage requirements as they affect the road come under the jurisdiction of the State Highway Administration.

The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Petitioner.

Water and Sanitary Sewer:

Public water supply and sanitary sewerage are available to serve this property.

*Ellsworth N. Diver*  
ELLSWORTH N. DIVER, P.E.  
Chief, Bureau of Engineering

END:EAM:FWR:ss



James J. O'Donnell  
Secretary  
M. S. Caltrider  
Administrator

March 26, 1981

Mr. Walter Reiter,  
Chairman Board of Appeals  
County Office Bldg.  
Towson Maryland 21204

Re: Cycle I-1981  
Meeting of March 16, 1981  
Item #8  
Owner: Arthur F. Gnau,  
Location: E/S Loch Raven  
Blvd Rte 542, 180' N. of  
Sayward Road  
Existing Zoning: D.R. 5.5  
Proposed Zoning: R-0  
Acres: 6.41 Acres  
District: 9th

Att: N. Commodari

Dear Mr. Commodari,

On review of the plan of February 25, 1981, and field inspection, the State Highway Administration will require all entrances to meet minimum state standards.

This may require some entrance's to be widened and others to construct in common.

Very truly yours,

Charles Lee, Chief  
Bureau of Engr. Access Permits

*George Wittman*  
by: George Wittman

CL-CW/es

My telephone number is 301-659-1350

P.O. Box 717 / 707 North Calvert St., Baltimore, Maryland 21203

RECEIVED  
BALTIMORE COUNTY  
MAY 1 9 04 AM '81  
BY: J. WIMBLEY



NORMAN E. GERBER  
DIRECTOR

April 14, 1981

Mr. Walter A. Reiter, Jr., Chairman  
Board of Appeals  
Room 219 - Court House  
Towson, Maryland 21204

Dear Mr. Reiter:

Comments on Item #P. Zoning Cycle I, April, 1981, are as follows:

Property Owner: Arthur F. Gnau, et al  
Location: E/S Loch Raven Blvd. 180' N. of Sayward Road  
Existing Zoning: D.R. 5.5  
Proposed Zoning: R-0  
Acres: 6.41 acres  
District: 9th

This office has reviewed the subject petition and offers the following comments. These comments are not intended to indicate the appropriateness of the zoning in question, but are to assure that all parties are made aware of plans or problems with regard to development plans that may have a bearing on this petition.

If the petition is granted to reclassify the property to R-0, the owner must comply with Section 203 of the Zoning Regulations. Section 203.5 requires a development plan be approved by the Baltimore County Planning Board before any development or use may be changed.

Very truly yours,

*John L. Wimbley*  
John L. Wimbley  
Planner III  
Current Planning and Development



STEPHEN E. COLLINS  
DIRECTOR

March 30, 1981

Mr. Walter A. Reiter, Jr.  
Chairman, Board of Appeals  
Office of Law  
Courthouse  
Towson, Maryland 21204

Item No. 8 - ZAC meeting of March 16, 1981  
Property Owner: Arthur F. Gnau, et al  
Location: E/S Loch Raven Blvd. 180' N. of Sayward Road  
Existing Zoning: D.R. 5.5  
Proposed Zoning: R-0  
Acres: 6.41 acres  
District: 9th

Dear Mr. Reiter:

The present zoning generates about 60 trips per day. Due to the lack of information about the square footage of the building it is not possible to predict the trip generation.

Very truly yours,

*Michael S. Flanigan*  
Michael S. Flanigan  
Engineer Associate II

MSF/bza



DONALD J. ROOP, M.D., M.P.H.  
DEPUTY STATE & COUNTY HEALTH OFFICER

April 2, 1981

Mr. Walter Reiter, Chairman  
Board of Appeals  
Office of Planning and Zoning  
County Office Building  
Towson, Maryland 21204

Dear Mr. Reiter:

Comments on Cycle I, #8, Zoning Advisory Committee Meeting of March 16, 1981, are as follows:

Property Owner: Arthur F. Gnau, Et al  
Location: E/S Loch Raven Blvd. 180' N. of Sayward Rd.  
Existing Zoning: D.R. 5.5  
Proposed Zoning: R-0  
Acres: 6.41 Acres  
District: 9th

The properties known as 6707, 6709, 6711, 6713 Loch Raven Boulevard are served by metropolitan water and sewer.

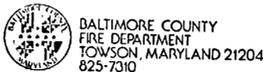
The property known as 6801 Loch Raven Boulevard is served by metropolitan water and a private sewage disposal system which appears to be functioning properly. Metropolitan sewer is not available to serve the property. If the proposed offices will involve heavy water usage, metropolitan sewer must be extended to serve the property and the existing septic system abandoned and backfilled.

The zoning plan as submitted, does not contain sufficient information; therefore, the Baltimore County Department of Health cannot make complete comments.

Very truly yours,

*Jan J. Foyrast*  
Jan J. Foyrast, Director  
BUREAU OF ENVIRONMENTAL SERVICES

LJF:mgt



PAUL H. REINCKE  
CHIEF

J March 19, 1981

Mr. William Hammond cc: Walter Reiter  
Zoning Commissioner Chairman of Board of Appeals  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson, Maryland 21204

Attention: Nick Commodari, Chairman  
Zoning Plans Advisory Committee

RE: Property Owner: Arthur F. Gnau, ET. al

Location: E/S Loch Raven Blvd. 180' N. of Sayward Road

Item No.: 8 Zoning Agenda: Meeting of March 16, 1981

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

(X) 1. Fire hydrants for the referenced property are required and shall be located at intervals or 300 feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works. Hydrants at 300 foot intervals

( ) 2. A second means of vehicle access is required for the site.

( ) 3. The vehicle dead end condition shown at \_\_\_\_\_

EXCEEDS the maximum allowed by the Fire Department.

( ) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

(X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 Edition prior to occupancy.

( ) 6. Site plans are approved, as drawn.

( ) 7. The Fire Prevention Bureau has no comments, at this time.

REVIEWED: *John J. Kelly* Noted and Approved: *Charles E. Burnham*  
Planning Group Fire Prevention Bureau  
Special Inspection Division

/mb

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. Walter Reiter  
Board of Appeals Chairman Date: March 27, 1981

FROM: Mr. Charles E. Burnham  
Plans Review Chief - Permits and Licenses

SUBJECT: Cycle I - 1981

RE: Cycle Zoning March 24, 1981

PROPERTY OWNER: Arthur F. Gnau, et al  
LOCATION: E/S Loch Raven Blvd. 180' N. of Sayward Road  
EXISTING ZONING: D.R. 5.5  
PROPOSED ZONING: R-0  
ACRES: 6.41 Acres  
DISTRICT: 9th

ITEM NO. 8

Each existing structure, if it is to be occupied for a use other than an existing dwelling, shall be required to apply for a change of use to the proposed new use (from Residential R-4 to "B" Business) and also an alteration permit to upgrade the residential structure to commercial use Code requirements. If the structure cannot meet the height and area requirements of Table 305 it is quite possible the change in use will be denied. The owners are advised to consult with an architect familiar with the Baltimore County Building Code to prevent possible unexpected expenditure.

Section 105.2, Section 204.2, Section 106.7 will be of assistance to the professional.

NOTE: All comments are based on data provided on site plan and data provided by the Zoning Advisory Committee. Comments in many cases cannot be more specific or advisory due to the limited information.

*Charles E. Burnham*  
Charles E. Burnham  
Plans Review Chief

CEB:rrj

CC: Nick Commodari

BUREAU OF ENGINEERING - BALTIMORE COUNTY, MD

|    |    |    |    |    |    |    |    |    |     |
|----|----|----|----|----|----|----|----|----|-----|
| 1  | 2  | 3  | 4  | 5  | 6  | 7  | 8  | 9  | 10  |
| 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20  |
| 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30  |
| 31 | 32 | 33 | 34 | 35 | 36 | 37 | 38 | 39 | 40  |
| 41 | 42 | 43 | 44 | 45 | 46 | 47 | 48 | 49 | 50  |
| 51 | 52 | 53 | 54 | 55 | 56 | 57 | 58 | 59 | 60  |
| 61 | 62 | 63 | 64 | 65 | 66 | 67 | 68 | 69 | 70  |
| 71 | 72 | 73 | 74 | 75 | 76 | 77 | 78 | 79 | 80  |
| 81 | 82 | 83 | 84 | 85 | 86 | 87 | 88 | 89 | 90  |
| 91 | 92 | 93 | 94 | 95 | 96 | 97 | 98 | 99 | 100 |

BALTIMORE COUNTY PUBLIC SCHOOLS

Robert Y. Dubel, Superintendent  
Towson, Maryland - 21204  
Date: March 23, 1981

Mr. Walter Reiter  
Chairman, Board of Appeals  
Baltimore County Office Building  
1111 West Chesapeake Avenue  
Towson, Maryland 21204

Zoning Cycle #1 March 16, 1981

RE: Item No: 8  
Property Owner: Arthur F. Gnau, Et al  
Location: E/S Loch Raven Blvd. 180' N. of Sayward Rd.  
Present Zoning: D.R. 5.5  
Proposed Zoning: R-0

| School Situation | School | Enrollment | Capacity | Over/Under |
|------------------|--------|------------|----------|------------|
|------------------|--------|------------|----------|------------|

Comment: Would not add to student population.

| Student Yield With: | Existing Zoning | And | Proposed Zoning |
|---------------------|-----------------|-----|-----------------|
|---------------------|-----------------|-----|-----------------|

Elementary  
Junior High  
Senior High

Very truly yours,  
*Wm. Nick Petrovich*  
Wm. Nick Petrovich, Assistant  
Department of Planning

WNP/bp

IN THE  
COURT OF SPECIAL APPEALS  
OF MARYLAND  
SEPTEMBER TERM, 1984  
NO. 733

ARTHUR F. GNAU, ET AL.,  
Appellants,  
v.  
PEOPLE'S COUNSEL FOR BALTIMORE COUNTY,  
Appellee.

APPEAL FROM THE CIRCUIT COURT  
FOR BALTIMORE COUNTY  
(EDWARD A. DeWATERS, Judge)

MOTION TO DISMISS AND STATEMENT IN LIEU OF BRIEF

PHYLLIS COLE FRIEDMAN  
People's Counsel for Baltimore County  
PETER MAX ZIMMERMAN  
Deputy People's Counsel  
Room 223, Court House  
Towson, Maryland 21204  
Attorneys for Appellee

1

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IN THE  
COURT OF SPECIAL APPEALS  
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SEPTEMBER TERM, 1984  
NO. 733

ARTHUR F. GNAU, ET AL.,  
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PEOPLE'S COUNSEL FOR BALTIMORE COUNTY,  
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APPEAL FROM THE CIRCUIT COURT  
FOR BALTIMORE COUNTY  
(EDWARD A. DeWATERS, Judge)

MOTION TO DISMISS AND STATEMENT IN LIEU OF BRIEF

I. MOTION TO DISMISS

This appeal is moot and should be dismissed because the 1984 Baltimore County Countywide Comprehensive Zoning Ordinance supersedes all pending administrative and judicial decisions pertinent to zoning reclassification. On November 13, 1984, the County Council for Baltimore County enacted a series of comprehensive zoning ordinances, including Bill 136-84, designating the subject property .12 acres B.L. (Business Local) and 6.29 acres D.R. 5.5 (Density Residential - maximum 5.5 units per acre). The ordinance is effective forty-five (45) days after its enactment, on December 28, 1984, prior to the scheduled oral argument in this appeal.

- 3 -

Since Yorkdale, the appellate courts have followed this rule and applied to zoning controversies the law in effect at the time a case is decided. O'Donnell v. Bassler, 289 Md. 501, 425 A.2d 1003 (1981); County Council for Prince George's County v. Carl M. Freeman Assoc., Inc., 281 Md. 70, 376 A.2d 860, 863-64 (1977); Rockville Fuel & Feed Co. v. City of Gaithersburg, 266 Md. 117, 127, 291 A.2d 672, 677 (1972).

Accordingly, because there can be and is no dispute that the County Council has acted upon the subject property in the 1984 Comprehensive Zoning Process, and its legislative judgment is paramount over preceding administrative decisions and related judicial review, the Court of Special Appeals is bound to follow the 1984 legislation and apply Bill 136-84 in the present case.

Of course, any challenge to the 1984 legislation would require the filing of a new and subsequent petition for reclassification with the County Board of Appeals and would be handled in accordance with the customary administrative procedure. This would apply not only to the present case but also other cases similarly pending at the time of the enactment of the new maps.

II. STATEMENT IN LIEU OF BRIEF

Because this appeal is moot, the Court of Special Appeals ought not to consider or reach the merits of the challenge to the 1980 Comprehensive Zoning Map Legislation. For such issues to be considered, however, it should adopt the decision of Circuit Court Judge Edward A. DeWaters reversing the administrative decision to grant the petition filed with the County Board of Appeals. The reasons requiring that reversal were well stated by Judge DeWaters and deserve to be affirmed if this case is considered on the merits.

APP. 1  
BALTIMORE COUNTY CODE - 1978  
PLANNING, ZONING AND SUBDIVISION CONTROL § 22-21

**Sec. 22-21. Preparation of zoning regulations and zoning maps.**

(a) The planning board shall from time to time recommend to the county council for adoption, zoning regulations and zoning maps, showing the boundaries of the proposed districts, divisions or zones into which the county is divided pursuant to this title.

(b) The planning board from time to time may also recommend for adoption amendments or supplements to such regulations, and may at any time, with prior approval by an affirmative vote of the county council, review the existing zoning maps in effect throughout the county and recommend to the county council such comprehensive revisions thereof as the board may deem advisable in the light of changed conditions. Any legally adopted zoning map shall remain in effect until the county council shall have adopted a map or maps in substitution thereof. All such amendments or supplements to the zoning regulations and all such comprehensive revisions of the zoning maps shall be made in accordance with the same procedure herein specified for the original adoption of such regulations and maps. During the intervals between the comprehensive revisions of the zoning maps by the county council, petitions for reclassifications, special exceptions and variances to the existing zoning maps shall be considered in the manner hereinafter in this title provided.

(c) After such zoning regulations and zoning maps have been approved by the planning board, it shall release a preliminary report thereon. Thereafter, and subject to the giving of at least twenty (20) days' public notice in two (2) newspapers of general circulation in the county, the planning board shall hold one or more public hearings on the proposed regulations, or maps, as the case may be. During the period of such notice the preliminary report of the planning board, with accompanying maps and exhibits, if any, shall be available for public inspection in the county office building. After such hearing or hearings have been held, the director of planning shall submit to the county council a report containing the final recommendations of the planning board with regard to the proposed zoning regulations, or maps, as the case may be, and the planning board shall be attached to such report. In the event of any disagreement among the members of the planning board as to any part of the proposed zoning regulations, the dissenting member or members (including nonvoting members) shall be entitled to file with the county council one or more minority reports stating the basis for their disagreement with the majority, which shall be included with the final report of the majority.

(d) Before December 1, 1970, the planning board shall recommend to the county council a complete county-wide zoning map (which may be a series of maps, portions of which may be approved separately), in accordance with the procedure set forth above. Within seven (7) days

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APP. 3  
BALTIMORE COUNTY CODE - 1978  
§ 22-21

after such action, the director of planning shall transmit the proposed zoning map or portion thereof to the county council. Within the one-year period immediately preceding April 16, 1976, and within each one-year period immediately preceding April 16th of every fourth year thereafter, the planning board, after completely reviewing the zoning map then in effect, shall recommend to the county council a new or comprehensively revised version of such map, in accordance with the procedure set forth above. Within seven days after each such action, the director of planning shall transmit said proposed new or revised zoning map to the county council. The provisions of this subsection are mandatory and shall apply regardless of any optional actions taken under subsections (a), (b) or (c). (Bill No. 80, 1960; Bill No. 72, 1969, § 1; Bill No. 42, 1970, § 1; Balto. Co. Code, 1968, § 22-20)

**Annotation:**The county council may not prohibit the establishment of a particular type of business within the county unless such action is taken in accordance with this section 22-21 and the following section. Baltimore County v. American Oil Company et al., 346 Md. 715, 229 A. 34 78 (1977).

APP. 5

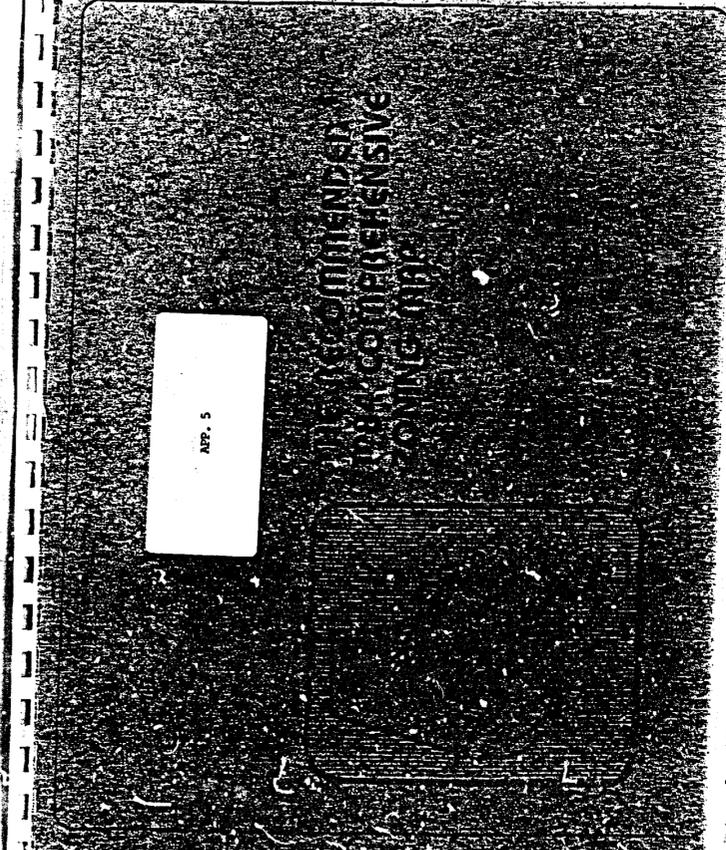
**Sec. 22-22. Action by county council on adoption of zoning regulations and Zoning maps.**

(a) After the county council has received a final report of the planning board recommending adoption of any zoning regulations or zoning maps, the county council shall hold one or more public hearings thereon, giving at least twenty (20) days' notice thereof in at least two (2) newspapers of general circulation in the county. During such twenty (20) day period, the final report of the planning board with accompanying maps and supporting exhibits, if any, together with any minority report and maps from any dissenting members of the planning board shall be shown and exhibited in the county office building, in each councilmanic district and at such other public places as the county council may designate for public inspection. After the expiration of such period of notice, and following the public hearing or hearings, the county council may by an ordinance adopt such regulations or maps subject, however, to such changes or amendments therein as the county council may deem appropriate.

(b) Any change or amendment to be made in a zoning map as proposed by the planning board shall, before final adoption of such map, be brought to further public hearing, advertised and held in the same manner as provided above in subsection (a). If further changes or amendments to such map shall then be proposed in the county council, a final public hearing, limited to such further changes or amendments, shall be advertised and held in the same manner as provided above before final action on such map is taken by the county council.

(c) Each change or amendment to be made in a zoning map as proposed by the planning board shall be voted upon individually by the county

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Huddles, seconded by Councilman O'Rourke this Resolution was unanimously approved.

- 9. Resolution No. 78-84 - IRB - Hunt Valley Motel Associates Ltd. Part. ship
- 10. Resolution No. 79-84 - IRB - Seymour Weiner, M.D., P.A.

Both of these IRB Resolutions were for introduction only at this meeting.

- 11. Resolution No. 80-84 - CDA Financing - The Paths at Loveton Farms

At the direction of the Chairman, the Secretary read this Resolution indicating that the County Council approves the use of land selected as the particular location for a community development project known as "The Paths at Loveton Farms". There being no discussion, upon motion by Councilman Smith, seconded by Councilman Gallagher, this Resolution was unanimously approved.

- 12. Resolution No. 81-84 - clarification of RO zones for residences

At the direction of the Chairman, the Secretary read the resolution requesting the Planning Board to consider amendments to the Baltimore County Zoning Regulations in order to clarify the method of conversion of existing residences to office buildings in the RO zones of the County. Councilwoman Bachur commented briefly on this Resolution. Thereafter, upon motion by Councilwoman Bachur, seconded by Councilman O'Rourke, this Resolution was unanimously approved.

- 13. Appointment - Telecommunications Advisory Panel

This appointment was discussed earlier in the meeting.

- 14. Resolution No. 82-84 - Mr. Hickernell - Lighthouse, Inc. - tax exemption

This Resolution was withdrawn prior to the meeting.

- 15. Resolution No. 83-84 - Messrs. Gallagher/O'Rourke/Smith/Huddles-RO Zones

At the direction of the Chairman, the Secretary read the resolution requesting the Planning Board to review individual doctors and dentists offices in RO zones as a matter of right. Councilmembers Hickernell, Gallagher and Huddles commented briefly on this Resolution. Thereafter, upon motion by Councilman Gallagher, seconded by Councilman O'Rourke, this Resolution was unanimously approved.

- 16. Resolution No. 84-84 - IRB - Wolk Press, Inc.

At the direction of the Chairman, the Secretary read this industrial revenue bond resolution for Wolk Press. Mr. Hannon and Rich Davis appeared. There being no discussion, upon motion by Councilman Huddles, seconded by Councilman O'Rourke, this Resolution was unanimously approved.

- 17. Retirement of Zoning Issues

Councilman Hickernell moved to retire the following issues from the Comprehensive Zoning Map Process:

|     |      |      |      |
|-----|------|------|------|
| 1-1 | 1-6  | 1-14 | 1-27 |
| 1-2 | 1-8  | 1-19 | 1-28 |
| 1-3 | 1-9  | 1-20 | 1-33 |
| 1-4 | 1-10 | 1-21 | 1-37 |
| 1-5 | 1-11 | 1-22 | 1-42 |

Councilman Gallagher seconded the motion and the issues were retired by the following

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND

Legislative Session 1984, Legislative Day No. 22

BILL NO. 135-84

Mr. Ronald B. Hickernell, Councilman  
By Request of County Executive

By the County Council, November 5, 1984

A BILL  
ENTITLED

AN ORDINANCE concerning the Comprehensive Zoning Maps - Fourth District FOR the purpose of repealing certain existing zoning maps and to adopt an official zoning map for the Fourth Councilmanic District of Baltimore County, such map to be known as the 1984 Official Comprehensive Fourth Councilmanic District Zoning Map for Baltimore County and to supersede any previous zoning maps approved by the County Council of Baltimore County for that particular district.

MEMORAS, under the provisions of Section 21-22, Baltimore County Code, 1978, the County Council has received a final report of the Planning Board on the Board's proposed County-wide Comprehensive Zoning Map for Baltimore County and has held public hearings thereon after giving at least 20 days' notice thereof in at least two newspapers of general circulation throughout the County; and during the period of such notice the final report of the Planning Board, with accompanying maps and supporting exhibits, were shown and exhibited in the Office of Planning and Zoning, in each Councilmanic District, and at such other public places as designated by the County Council; and after the expiration of such period of notice and hearings, the County Council made certain changes in the Comprehensive Zoning Map for the Fourth Councilmanic District of Baltimore County which the County Council deemed appropriate; now, therefore

- 1. SECTION 1. Be it ordained by the County Council of Baltimore County, Maryland, that the portion of the official zoning map of Baltimore County referred to in Section 100.2 of the Baltimore County Zoning Regulations and now in effect, including any amendments thereto and
- 2. Maryland, that the portion of the official zoning map of Baltimore County referred to in Section 100.2 of the Baltimore County Zoning Regulations and now in effect, including any amendments thereto and
- 3. County referred to in Section 100.2 of the Baltimore County Zoning Regulations and now in effect, including any amendments thereto and
- 4. Regulations and now in effect, including any amendments thereto and

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. [brackets] indicate matter stricken from existing law. Strike-out indicates matter stricken from bill. Underlining indicates amendments to bill.

NS/abc

- 1. declares that it would have ordained the remaining provisions of this ordinance
- 2. and the remaining portions of said map without the provisions or portion or
- 3. the application thereof so held invalid.
- 4. SECTION 5. And be it further ordained, that this Ordinance shall take
- 5. effect forty-five days after its enactment.

IN THE MATTER OF

MR. AND MRS. ARTHUR F. GNAU  
6801 Loch Raven Boulevard  
Baltimore, Maryland 21204

MR. AND MRS. ARTHUR R. GNAU  
6713 Loch Raven Boulevard  
Baltimore, Maryland 21239

MR. AND MRS. NICHOLAS STAMSTACOS  
6711 Loch Raven Boulevard  
Baltimore, Maryland 21239

MR. AND MRS. GEORGE SEIDEL, SR.  
6709 Loch Raven Boulevard  
Baltimore, Maryland 21239

MRS. MILDRED JAWORSKI  
6707 Loch Raven Boulevard  
Baltimore, Maryland 21239

AMENDED MEMORANDUM IN SUPPORT OF PETITION FOR RECLASSIFICATION

NOW COME Mr. and Mrs. Arthur F. Gnaul, Mr. and Mrs. Arthur R. Gnaul, Mr. and Mrs. Nicholas Stamstacos, Mr. and Mrs. George Seidel, Sr. and Mrs. Mildred Jaworski, by Charles E. Brooks and the Law Offices of Charles E. Brooks, and for Amended Memorandum in Support of their Petition for Reclassification of their properties, say:

1. That, the County Council of Baltimore County and the County Executive of Baltimore County erred with the adoption of the County-wide zoning maps for Baltimore County on December 11, 1980 in failing to have the above-referenced properties reclassified from a DR 5.5 zone to an R-O zone and a portion thereof BL zone with a CCC District, in that they failed in their duties to recognize the numerous salient factors which, by having failed to designate the properties as R-O and a portion thereof BL with a CCC District and classifying the same as DR 5.5, has resulted in the taking of your Petitioners' properties without just and

LAW OFFICES  
CHARLES E. BROOKS  
610 BOSLEY AVENUE  
TOWSON, MD. 21284  
286-2600

IN THE MATTER OF

MR. AND MRS. ARTHUR F. GNAU  
6801 Loch Raven Boulevard  
Baltimore, Maryland 21204

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6713 Loch Raven Boulevard  
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6709 Loch Raven Boulevard  
Baltimore, Maryland 21239

MRS. MILDRED JAWORSKI  
6707 Loch Raven Boulevard  
Baltimore, Maryland 21239

MEMORANDUM IN SUPPORT OF PETITION FOR RECLASSIFICATION

NOW COMES Mr. and Mrs. Arthur F. Gnaul, Mr. and Mrs. Arthur R. Gnaul, Mr. and Mrs. Nicholas Stamstacos, Mr. and Mrs. George Seidel, Sr. and Mrs. Mildred Jaworski, by Charles E. Brooks and the Law Offices of Charles E. Brooks, and for Memorandum in Support of their Petition for Reclassification of their properties, says:

1. That, the County Council of Baltimore County and the County Executive of Baltimore County erred with the adoption of the County-wide zoning maps for Baltimore County on December 11, 1980 in failing to have the above-referenced properties reclassified from a DR 5.5 zone to an R-O zone, in that they failed in their duties to recognize the numerous salient factors which, by having failed to designate the properties as R-O and classifying the same as DR 5.5, has resulted in the taking of your Petitioners' properties without just and reasonable compensation in that the properties zoned DR 5.5 cannot be disposed of for their fair and reasonable market value.

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CHARLES E. BROOKS  
610 BOSLEY AVENUE  
TOWSON, MD. 21284  
286-2600

reasonable compensation in that the properties zoned DR 5.5 cannot be disposed of for their fair and reasonable market value.

2. That, the subject properties are the only properties located on the east side of Loch Raven Boulevard from the Baltimore City line to Taylor Avenue which is not available for a use other than single-family housing.

3. That, at the time of the construction of your Petitioners' homes, the Loch Knoll community, which is delimited to the subject properties and other properties now used for commercial purposes, was a limited residential community surrounded by large open spaces which now have been developed for commercial, apartment or municipal uses. Loch Raven Boulevard, on which each of the subject properties front, at the time of their construction, was a two-lane highway, which, at best, was used for primarily residential travel but is now a seven-lane divided highway which has become a major arterial collector route.

4. That, at the time of the construction of the subject homes, the intersection of Taylor Avenue and Loch Raven Boulevard was used for very limited commercial functions centering around two dairy and ice cream parlors which intersection now is developed with four major shopping facilities consisting of literally tens of thousands of square feet of buildings used for commercial purposes to service, not only the local community, but shoppers from distant locations.

5. That, at the time of the adoption of the maps, that property located on the west side of Loch Raven Boulevard, immediately facing the subject properties, was zoned for mid- and high-rise apartments and an existing fire department facility, which use is not limited to normal business hours, but which is used 24 hours a day, 365 days a year.

6. That, the failure to establish these properties as an R-O zone and a portion thereof BL zone with a CCC District is further in error in that it would have not only provided a fair and reasonable use for the subject properties, it would have also created a buffer zone between Loch Raven Boulevard and its commercial uses and the DR 5.5 community which lies immediately contiguous to the subject properties in an easterly direction but which do not front and/or face the subject properties.

7. That, that sixty (60) foot wide portion of the property of Arthur F. Gnaul and wife, Petitioners herein, which has heretofore contained a large macadam parking facility used in conjunction with an adjoining property, should have been retained and maintained in a BL zone with a CCC District.

AND such other and further reasons as shall be presented by testimony at the time of any hearing hereon.

Respectfully submitted,

Charles E. Brooks  
Law Offices of Charles E. Brooks  
610 Bosley Avenue  
Towson, Maryland 21204  
296-2600

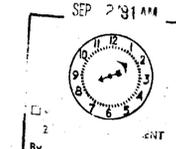
Attorneys for Petitioners

RECEIVED  
BALTIMORE COUNTY  
MAY 7 12 23 PM '81  
COUNTY BOARD  
OF APPEALS  
BY: \_\_\_\_\_

LAW OFFICES  
CHARLES E. BROOKS  
610 BOSLEY AVENUE  
TOWSON, MD. 21204  
286-2600

494-3180

County Board of Appeals  
Room 219, Court House  
Towson, Maryland 21204  
September 1, 1981



Charles E. Brooks, Esq.  
610 Bosley Avenue  
Towson, Md. 21204

Re: Item #8, Cycle 1  
Arthur F. Gnaul, et al

Dear Mr. Brooks:

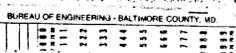
Your request for postponement of this case will be granted by the County Board of Appeals. However, since the applicable provisions of the Charter require that the case and the assigned hearing date be advertised, both in the newspaper and by posting, it will be necessary that we continue with this procedure. Further, to make certain that all requirements are met, it will be necessary that on the morning of the day upon which the case is assigned, the record be opened and the fact of the postponement and the grounds therefor be read into the record, and the postponement be formally granted.

Accordingly, it is requested that you, or someone representing you, appear on the morning of the scheduled date so that we can complete this formality, which is necessary for the Petitioner's protection. You need not, of course, be accompanied by either parties or witnesses for this purpose. In addition to making certain that all legal requirements with regard to the scheduling, advertising, notification, and opening of the record of the case are met, this procedure will also give the Board the opportunity to explain the facts concerning the postponement and the reasons therefor to any interested parties who appear on the scheduled day pursuant to the advertisement.

Very truly yours,

William T. Hackett, Esq.  
William T. Hackett, Chairman

With:  
cc: Arthur F. and Estelle E. Gnaul  
Mildred Hilda Jaworski  
George J. and Edith M. Seidel  
Nick G. Stamstacos, et al  
Arthur R. and Emma H. Gnaul



1. comprehensive revisions of portions thereof as it pertains to the 'curb
2. Councilmatic District of Baltimore County, be and is hereby repealed,
3. and that the boundaries of zones and districts, as established by the Baltimore
4. County Zoning Regulations, as shown on the Official Comprehensive Fourth
5. Councilmatic District Zoning Map For Baltimore County, accompanying this
6. ordinance, are hereby established.
7. SECTION 2. Be it further ordained, that the accompanying Official
8. Comprehensive Fourth Councilmatic District Zoning Map for Baltimore County is
9. hereby adopted and declared to be a part of this ordinance to the same extent
10. as if it were incorporated herein. The Official Comprehensive Fourth Council-
11. matic District Zoning Map is a series of maps drawn to the scale of 1"=200',
12. and for authentication each map of the series shall be signed by the chairman
13. of the Baltimore County Council. When this ordinance stands enacted, the
14. secretary of the County Council shall deliver the same Official Comprehensive
15. Fourth Councilmatic District Zoning Map For Baltimore County to the Zoning
16. Commissioner who shall thereupon have legal custody of said map.
17. SECTION 3. Be it further ordained, that the dimension of any zone or
18. district boundary shall be determined by use of the map scale, shown on the
19. zoning map, scaled to the nearest foot. The Zoning Commissioner of Baltimore
20. County and the County Board of Appeals shall conclusively determine the
21. location and dimensions of zone and district boundaries from the official 200
22. scale zoning map.
23. SECTION 4. Be it further ordained, that in case it be judicially
24. determined that any word, phrase, clause, sentence, paragraph or section of
25. this ordinance, or that the application thereof, or the application of any
26. portion of the Official Comprehensive Fourth Councilmatic District Zoning Map
27. for Baltimore County, accompanying this ordinance, to any person, property,
28. or circumstance is invalid, the remaining provisions of this ordinance and
29. the application of such provisions, and the application of the remaining
30. portions of said Comprehensive Fourth Councilmatic District Zoning Map For
31. Baltimore County to other persons, properties, or circumstances shall not be
32. affected thereby; the County Council of Baltimore County, Maryland, hereby

2. That, the subject properties are the only properties located on the east side of Loch Raven Boulevard from the Baltimore City line to Taylor Avenue which is not available for a use other than single-family housing.

3. That, at the time of the construction of your Petitioners' homes, the Loch Knoll community, which is delimited to the subject properties and other properties now used for commercial purposes, was a limited residential community surrounded by large open spaces which now have been developed for commercial, apartment or municipal uses. Loch Raven Boulevard, on which each of the subject properties front, at the time of their construction, was a two-lane highway, which, at best, was used for primarily residential travel but is now a seven-lane divided highway which has become a major arterial collector route.

4. That, at the time of the construction of the subject homes, the intersection of Taylor Avenue and Loch Raven Boulevard was used for very limited commercial functions centering around two dairy and ice cream parlors which intersection now is developed with four major shopping facilities consisting of literally tens of thousands of square feet of buildings used for commercial purposes to service, not only the local community, but shoppers from distant locations.

5. That, at the time of the adoption of the maps, that property located on the west side of Loch Raven Boulevard, immediately facing the subject properties, was zoned for mid- and high-rise apartments and an existing fire department facility, which use is not limited to normal business hours, but which is used 24 hours a day, 365 days a year.

6. That, the failure to establish these properties as an R-O zone is further in error in that it would have not only provided a fair and reasonable use for the subject properties, it would

LAW OFFICES  
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2. That, the subject properties are the only properties located on the east side of Loch Raven Boulevard from the Baltimore City line to Taylor Avenue which is not available for a use other than single-family housing.

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BUREAU OF ENGINEERING - BALTIMORE COUNTY, MD

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CHARLES E. BROOKS  
610 BOSLEY AVENUE  
TOWSON, MD. 21286  
296-7400

have also created a buffer zone between Loch Raven Boulevard and its commercial uses and the DR 5.5 community which lies immediately contiguous to the subject properties in an easterly direction but which do not front and/or face the subject properties.

AND such other and further reasons as shall be presented by testimony at the time of any hearing hereon.

Respectfully submitted,

*Charles E. Brooks*  
Charles E. Brooks  
Law Offices of Charles E. Brooks  
610 Bosley Avenue  
Towson, Maryland 21204  
296-2600

Attorney for Petitioners .

LAW OFFICES  
CHARLES E. BROOKS  
610 BOSLEY AVENUE  
TOWSON, MD. 21286  
296-7400

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Respectfully submitted,

*Charles E. Brooks*  
Charles E. Brooks  
Law Offices of Charles E. Brooks  
610 Bosley Avenue  
Towson, Maryland 21204  
296-2600

Attorney for Petitioners .

PETITION FOR RE-CLASSIFICATION & REDISTRICTING

5th DISTRICT

ZONING: Petition for Re-classification and Redistricting

LOCATION: East side of Loch Raven Boulevard, 244 ft. & 1037 ft. North of the centerline of Sayward Road

DATE & TIME: Thursday, October 1, 1981 at 10:00 A.M.

PUBLIC HEARING: Room 218, Courthouse, Towson, Maryland

The County Board of Appeals for Baltimore County, by authority of the Baltimore County Charter will hold a public hearing:

Present Zoning: D, R. 5.5  
Proposed Zoning: R. O. and B. L.-C. C (district)

All that parcel of land in the Ninth District of Baltimore County

Being the property of Arthur F. Gnau, et ux, as shown on plat plan filed with the Zoning Department.

Hearing Date: Thursday, October 1, 1981 at 10:00 A.M.  
Public Hearing: Room 218, Courthouse, Towson, Maryland

BY ORDER OF  
WILLIAM T. HACKETT, CHAIRMAN  
COUNTY BOARD OF APPEALS  
OF BALTIMORE COUNTY

IN THE MATTER OF  
MR. AND MRS. ARTHUR F. GNAU  
6301 Loch Raven Boulevard  
Baltimore, Maryland 21204  
MR. AND MRS. ARTHUR R. GNAU  
6713 Loch Raven Boulevard  
Baltimore, Maryland 21239  
MR. AND MRS. NICHOLAS STAMSTACOS  
6711 Loch Raven Boulevard  
Baltimore, Maryland 21239  
MR. AND MRS. GEORGE SEIDEL, SR.  
6709 Loch Raven Boulevard  
Baltimore, Maryland 21239  
MRS. HILDRED JAWORSKI  
6707 Loch Raven Boulevard  
Baltimore, Maryland 21239

\* BEFORE THE  
\* BOARD OF APPEALS  
\* FOR  
\* BALTIMORE COUNTY, MARYLAND

MEMORANDUM IN SUPPORT  
OF PETITION FOR RECLASSIFICATION

NOW COMES Mr. and Mrs. Arthur F. Gnau, Mr. and Mrs. Arthur R. Gnau, Mr. and Mrs. Nicholas Stamstacos, Mr. and Mrs. George Seidel Sr. and Mrs. Mildred Jaworski, by Charles E. Brooks and the Law Offices of Charles E. Brooks, and for Memorandum in Support of their Petition for Reclassification of their properties, says:

1. That, the County Council of Baltimore County and the County Executive of Baltimore County erred with the adoption of the County-wide zoning maps for Baltimore County on December 11, 1980 in failing to have the above-referenced properties reclassified from a DR 5.5 zone to an R-O zone, in that they failed in their duties to recognize the numerous salient factors which, by having failed to designate the properties as R-O and classifying the same as DR 5.5, has resulted in the taking of your Petitioners' properties without just and reasonable compensation in that the properties zoned DR 5.5 cannot be disposed of for their fair and reasonable market value.

OFFICE COPY

LAW OFFICES  
CHARLES E. BROOKS  
610 BOSLEY AVENUE  
TOWSON, MD. 21286  
296-7400

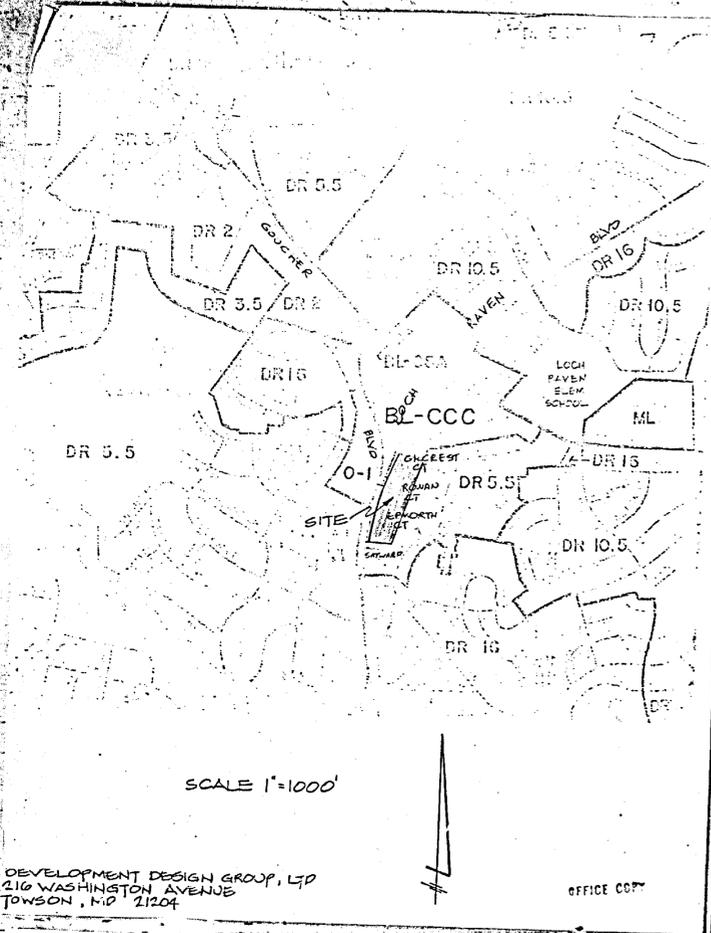
Beginning for the same at a point on the east side of Loch Raven Boulevard, said point being distant 1037.3 feet, more or less, northerly from the intersection formed by the east side of said Boulevard and the center line of Sayward Road and running thence binding on the east side of said Boulevard, (1) northerly by a curve to the right having a radius of 2496.48 feet and a length of 60.45 feet, more or less, to a point on the existing zoning line separating the DR 5.5 zone and the BL-CCC zone, thence leaving said Boulevard, binding on said zoning line, (2) South 69°48'39" East 327.91 feet, more or less, running thence leaving said zoning line, and binding on part of the outline of the plat entitled "Subdivision Plan, Plat One Section Two, Hillendale", said plat being recorded among the Plat Records of Baltimore County, Maryland in Plat Book G.L.B. 22 folio 13, (3) South 15°10'10" West 60.23 feet, more or less, thence (4) North 69°48'39" West 340.51 feet, more or less, to the place of beginning.

Containing 0.46 acres of land, more or less.

This description is prepared for zoning purposes only and is not representative of a field survey.

APR 3 1981  
JTB/48  
CYLC





ENVIRONMENTAL IMPACT STATEMENT  
TO ACCOMPANY  
ZONING PETITION FOR RECLASSIFICATION FROM EXISTING DR 5.5 ZONE  
TO R-O ZONE

PROPERTY ON EAST SIDE LOCH RAVEN BOULEVARD  
180'± NORTH OF SAYVARD ROAD

February 26, 1981

PREPARED FOR:

Baltimore County Board of Appeals,  
Baltimore County Planning Board  
and Zoning Commissioner and Staff

PURPOSE

The purpose of this study is to determine the suitability of the site for the requested reclassification from existing DR 5.5 zone to R-O zone, and to determine the environmental effects and impact on the site and the surrounding area with particular attention directed to Bill No. 98-75 page 3, items one through six.

SITE LOCATION

The site is located on the east side of Loch Raven Boulevard in the Ninth Election District of Baltimore County approximately 180 feet more or less northerly from the north side of Sayvard Road with a frontage along Loch Raven Boulevard of approximately 850 feet ± to the southerly side of the parking area of the Hanson House Restaurant (currently vacant). This division line would also represent the existing zoning line separating the DR 5.5 zone and the BL-CCC zone. Along Loch Raven Boulevard, the site is adjacent to a signalized left turn storage lane which leads to the Goucher Road cut-off, the cut-off being immediately west of the north portion of said site.

The total site currently zoned DR 5.5 comprises an area of 6.41 acres more or less and currently is improved by five residences, four of which (Nos. 6707 to 6713) are located simultaneously on 100 foot ± lots beginning at the southern limit of the site and running northerly, the fifth dwelling occupies an area near the northern end of the site. All residences are in excess of 100 feet from the Loch Raven Boulevard R/W line. The entire site is currently maintained as lawn area with an abundance of landscaping.

To the north is the Hanson House Restaurant (currently vacant), an automotive service station and the Hillendale Shopping Center, all of which are currently zoned BL-CCC, to the east are single family dwellings in the development known as Hillendale and zoned DR 5.5, to the south fronting on Loch Raven Boulevard is one residence (#6703) and then at the northeast corner of Loch Raven Boulevard and Sayvard Avenue there exists a combination residence and dental office. On the southeast corner of the intersection is a combination residence and doctor's office. Traveling east from the intersection, the remaining improvements on both sides of Sayvard Avenue are residential and zoned DR 5.5. To the west, or on the opposite side of Loch Raven Boulevard, there exists Baltimore County Fire station (Station #11), and a recreational area, both currently zoned DR 5.5. Just north of the recreation area, and bordering on the Goucher Boulevard cut-off is a vacant tract of land currently zoned O-1.

EXISTING UTILITIES

Water, sewer and storm drain exist and are available to the site. The requested reclassification to R-O zone is not expected to create significant burden on any of these utilities. As to water and sewer, it has been long established that office use, in general, demands much less usage than normal everyday average family utilization. As to storm water runoff into available storm drain systems, projected improvements to the site by means of new parking areas, additions to existing buildings, or even construction of new buildings (if eventually pursued per County policy) could be individually addressed. That is, the addition of minor parking areas would create very slight additional runoff, whereas possible new construction of buildings could, if deemed necessary,

provide sufficient methods of controlled runoff under Baltimore County regulations and subject to the proper approvals and procedures. The subject site is not tributary to, nor is it upstream from any designated reservoirs, rather, it is in the Herring Run watershed which meanders in a southeasterly direction, eventually discharging into Back River.

SOIL CONDITIONS

The subject property is located in the Piedmont Plateau with soil conditions defined as the Manor-Glenelg Association, briefly defined as follows: "Gently sloping to very steep, deep, well drained and somewhat excessively drained soils that have a subsoil of loam to light silty clay loam; underlain by acid crystalline rock; on uplands."

This association occupies about 53 percent of the county. It is about 40 percent Manor soils, about 25 percent Glenelg soils, and about 35 percent minor soils.

Manor soils are well drained to somewhat excessively drained. These soils have a surface layer of reddish-brown loam and a subsoil of yellowish-red loam underlain by loose micaceous loam that grades to hard micaceous rock at depths of 5 to more than 10 feet. Manor soils are limited in use mostly by slope and erosion conditions, moderate available moisture capacity, and locally by stoniness.

Glenelg soils are well drained. These soils have a surface layer of dark yellowish-brown loam and a subsoil of strong-brown and yellowish-red silty clay loam or clay loam underlain by loose micaceous loam that grades to hard micaceous rock at a depth generally between 5 and 10 feet. Glenelg soils

have fewer limitations than Manor soils because they generally are less steep and less eroded, hold more moisture for plants, and commonly are less stony.

Minor soils in this association are mostly in the Chester, Elioak, Mt. Airy, Glenville, Baile, Codorus, and Hatboro series. Chester, Elioak, and Mt. Airy soils are mainly on ridgetops and upper slopes. Glenville soils and Baile soils are in draws and around the heads of drainage ways. Codorus and Hatboro soils occupy flood plains. These minor soils are mostly in small areas within the major soils, and they do not strongly affect overall use of the soil association.

As mentioned, the site is basically maintained as lawn area with an abundance of landscaping, predominantly in the form of assorted evergreen trees.

LEGISLATIVE POLICY (SEE BILL NO. 13-80 SECTION 203.2)

The request for reclassification to R-O zoning would permit the conversion of existing houses on the site to office buildings types Class A or, by special exception, Class B, for the following reasons:

- (1) Adjacent commercial activity immediately to the north such as the Hanson House Restaurant, the automotive service station and the Hillendale Shopping Center plus the existing heavy commercial and commuter traffic along Loch Raven Boulevard should render the site to be no longer restricted solely to uses allowable in moderate-density residential zones.
- (2) As evidenced, just to the south, existence of combination dental and medical offices are currently being enjoyed.
- (3) From the involved homeowners standpoint on the site, provision of R-O zoning would aid in allowing increased flexibility with the option of

office type usage.

BRIEF SUMMARY ADDRESSED TO ITEMS 1 THROUGH 6 OF BILL NO. 98-75 PAGE 3

Item (1) Granting the R-O zoning reclassification would permit office use to the five existing residences under the specified guidelines adopted by Bill No. 13-80. No significant environmental impact would result in such action.

Item (2) Probable impact on the environment should R-O zoning be permitted would most likely, under office use, ease water consumption, produce less discharge into the existing sanitary system and create very little additional runoff from the site by the addition of parking areas and small additions or enclosures of the existing buildings. Office use on most sites tends to generate a well maintained, attractive and a well landscaped appearance. Additionally, should runoff become a factor, methods of control could be readily established. The existence of substantial lawn area and the continued maintenance of same should more than accept and accommodate large portions of stormwater runoff, with little evidence of pollutants or soil erosion being created and carried into adjacent areas.

Item (3) Any possible adverse effects on this site as to such environmental factors as air, vegetation and wildlife would be extremely slight and would have no impact on the surrounding environment.

Item (4) No alternatives to proposed office use are recommended or addressed due to the lack of adverse environmental effects.

Item (5) A short term assessment of the request to R-O zone if granted, would conceivably permit conversion of the five residences into office use, each of course at the individual owner's discretion. Office use would tend to slightly increase traffic trip generation to and from the site, the magnitude of which would be dependent on the individual office use, i.e., general offices or medical offices. Loch Raven Boulevard by inspection, is well signalized

thus providing periodic breaks in traffic traveling to the north, therefore, no major ingress or egress hazard is created. The existence of a median in the Boulevard prevents any crossover for left turns from the site to travel south. Long term assessment on the site could result in full utilization of all five buildings as offices. Possibly additional office use could occur but only by special exception request and approval. Traffic trip factors could tend to ease due to rising fuel costs, reduced and shorter range trips by potential consumers and increasing car pool activity and fuel consumption for domestic use would decrease if applied to offices. Should any of the office uses cease to function due to economical difficulties, the reversion to residential use would be readily available.

Item (6) At present, there would not appear to be any irreversible or irretrievable commitment of resources relative to this site. Some adverse effect or impact could possibly occur due to future changes in County policy or zoning regulations.

GENERAL SUMMARY

The requested granting of the reclassification to R-O zone due to the herein described nature of the site and its surrounding environment appears to conform and comply with the general intent of Bill 13-80. Continued residential use of this site due to traffic, air pollution caused by traffic, noise and commercial uses immediately to the north does not seem appropriate. Rather, a graduated zoning corridor along the east side of Loch Raven Boulevard as one travels northerly, say from Hillen Road, would present a transition from DR 16 zone, predominantly apartments, then should R-O zoning on the



September 17, 1981

WILLIAM E. HAMMOND  
ZONING COMMISSIONER

Charles E. Brooks, Esquire  
610 Bosley Avenue  
Towson, Maryland

RE: Petition for Re-classification & Redistricting  
E/s Loch Raven Blvd., 244' & 1037' N of center-  
line of Sayward Road  
Arthur F. Gnau, et ux - Petitioners  
Case #R-82-68

Dear Mr. Brooks:

This is to advise you that \$117.75 is due for advertising and posting of the above property.

Please make check payable to Baltimore County, Maryland, and remit to Karen Riegel, Room 113, County Office Building, Towson, Maryland 21204 before the hearing.

Very truly yours,  
WILLIAM E. HAMMOND  
Zoning Commissioner

WEH:kfr

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

No. 100486

DATE 9/2/81 ACCOUNT 01-662

AMOUNT \$50.00

RECEIVED FROM Charles E. Brooks, Esquire  
FOR Filing Fee for Case #82-68 - Cycle I, Item 8

241537 2 500.00

VALIDATION OR SIGNATURE OF CASHIER

Development Design Group, Ltd.

216 Washington Avenue  
Towson, Maryland 21204

Richard B. Williams, President  
Wayne E. Muisenholder  
Land Surveyor

(301) 828-0727  
February 26, 1981  
Revised April 2, 1981

DESCRIPTION TO COMPANY ZONING PETITION  
FOR RECLASSIFICATION FROM EXISTING  
DR 5.5 ZONE TO R-O ZONE  
PROPERTY EAST SIDE LOCH RAVEN BOULEVARD,  
NORTH OF SAYWARD ROAD

Beginning for the same at a point on the east side of Loch Raven Boulevard, said point being distant 244.8 feet more or less northerly from the intersection formed by the east side of said Boulevard and the center line of Sayward Road and running thence binding along the east side of said Boulevard the three following courses viz: (1) northerly by a curve to the right having a radius of 2490.48 feet and a length of 280.75 feet more or less, (2) North 6°50'13" East 41.28 feet more or less and (3) northerly by a curve to the right having a radius of 2496.48 feet and a length of 470.44 feet more or less, thence leaving said Boulevard, (4) South 69°18'39" East 340.51 feet more or less, running thence and binding on part of the outline of the plat entitled "Subdivision Plan, Plat One Section Two Hillendale", said plat being recorded among the Plat Records of Baltimore County in Plat Book G.L.B. 22 folio 13, the three following courses viz: (5) South 15°10'10" West 261.34 feet more or less, (6) South 25°57' West 457.92 feet more or less, and (7) North 84°28' West 281.79 feet more or less to the place of beginning.

Containing 5.95 acres of land more or less.  
This description is prepared for zoning purposes only and is not representative of a field survey.

REVISED PLANS

APR 3 1981

ITEM #8

04/26



LAW OFFICES  
CHARLES E. BROOKS  
610 BOSLEY AVENUE  
TOWSON, MD. 21204  
296-2600

LAW OFFICES  
CHARLES E. BROOKS  
610 BOSLEY AVENUE  
TOWSON, MD. 21204  
296-2600

IN THE MATTER OF \* BEFORE THE  
MR. AND MRS. ARTHUR F. GNAU \* BOARD OF APPEALS  
6801 Loch Raven Boulevard \*  
Baltimore, Maryland 21204 \*  
MR. AND MRS. ARTHUR R. GNAU \* FOR  
6713 Loch Raven Boulevard \*  
Baltimore, Maryland 21239 \*  
MR. AND MRS. NICHOLAS STAMSTACOS \* BALTIMORE COUNTY,  
6711 Loch Raven Boulevard \*  
Baltimore, Maryland 21239 \* MARYLAND  
MR. AND MRS. GEORGE SEIDEL, SR. \*  
6709 Loch Raven Boulevard \*  
Baltimore, Maryland 21239 \*  
MRS. MILDRED JAWORSKI \*  
6707 Loch Raven Boulevard \*  
Baltimore, Maryland 21239 \*

AMENDED MEMORANDUM IN SUPPORT  
OF PETITION FOR RECLASSIFICATION

NOW COME Mr. and Mrs. Arthur F. Gnau, Mr. and Mrs. Arthur R. Gnau, Mr. and Mrs. Nicholas Stamstacos, Mr. and Mrs. George Seidel, Sr. and Mrs. Mildred Jaworski, by Charles E. Brooks and the Law Offices of Charles E. Brooks, and for Amended Memorandum in Support of their Petition for Reclassification of their properties, say:

1. That, the County Council of Baltimore County and the County Executive of Baltimore County erred with the adoption of the County-wide zoning maps for Baltimore County on December 11, 1980 in failing to have the above-referenced properties reclassified from a DR 5.5 zone to an R-O zone and a portion thereof BL zone with a CCC District, in that they failed in their duties to recognize the numerous salient factors which, by having failed to designate the properties as R-O and a portion thereof BL with a CCC District and classifying the same as DR 5.5, has resulted in the taking of your Petitioners' properties without just and

reasonable compensation in that the properties zoned DR 5.5 cannot be disposed of for their fair and reasonable market value.

2. That, the subject properties are the only properties located on the east side of Loch Raven Boulevard from the Baltimore City line to Taylor Avenue which is not available for a use other than single-family housing.

3. That, at the time of the construction of your Petitioners' homes, the Loch Knoll community, which is delimited to the subject properties and other properties now used for commercial purposes, was a limited residential community surrounded by large open spaces which now have been developed for commercial, apartment or municipal uses. Loch Raven Boulevard, on which each of the subject properties front, at the time of their construction, was a two-lane highway, which, at best, was used for primarily residential travel but is now a seven-lane divided highway which has become a major arterial collector route.

4. That, at the time of the construction of the subject homes, the intersection of Taylor Avenue and Loch Raven Boulevard was used for very limited commercial functions centering around two dairy and ice cream parlors which intersection now is developed with four major shopping facilities consisting of literally tens of thousands of square feet of buildings used for commercial purposes to service, not only the local community, but shoppers from distant locations.

5. That, at the time of the adoption of the maps, that property located on the west side of Loch Raven Boulevard, immediately facing the subject properties, was zoned for mid- and high-rise apartments and an existing fire department facility, which use is not limited to normal business hours, but which is used 24 hours a day, 365 days a year.

-2-

6. That, the failure to establish these properties as an R-O zone and a portion thereof BL zone with a CCC District is further in error in that it would have not only provided a fair and reasonable use for the subject properties, it would have also created a buffer zone between Loch Raven Boulevard and its commercial uses and the DR 5.5 community which lies immediately contiguous to the subject properties in an easterly direction but which do not front and/or face the subject properties.

7. That, that sixty (60) foot wide portion of the property of Arthur F. Gnau and wife, Petitioners herein, which has heretofore contained a large macadam parking facility used in conjunction with an adjoining property, should have been retained and maintained in a BL zone with a CCC District.

AND such other and further reasons as shall be presented by testimony at the time of any hearing hereon.

Respectfully submitted,

Charles E. Brooks  
Law Offices of Charles E. Brooks  
610 Bosley Avenue  
Towson, Maryland 21204  
296-2600

Attorneys for Petitioners

PETITION FOR RECLASSIFICATION & REDISTRICTING

9th DISTRICT

ZONING: Petition for Re-classification and Redistricting  
LOCATION: East side of Loch Raven Boulevard, 244 ft. & 1037 ft. North of the centerline of Sayward Road  
DATE & TIME: Thursday, October 1, 1981 at 10:00 A.M.  
PUBLIC HEARING: Room 218, Courthouse, Towson, Maryland

The County Board of Appeals for Baltimore County, by authority of the Baltimore County Charter will hold a public hearing:

Present Zoning: D.R. 5.5  
Proposed Zoning: R. O. and B.L.-C. C. C. (district)

All that parcel of land in the Ninth District of Baltimore County

Being the property of Arthur F. Gnau, et ux, as shown on plat plan filed with the Zoning Department.

Hearing Date: Thursday, October 1, 1981 at 10:00 A.M.  
Public Hearing: Room 218, Courthouse, Towson, Maryland

BY ORDER OF  
WILLIAM T. HACKETT, CHAIRMAN  
COUNTY BOARD OF APPEALS  
OF BALTIMORE COUNTY

494-3180

County Board of Appeals

Room 219, Court House  
Towson, Maryland 21204  
September 1, 1981

Charles E. Brooks, Esq.  
610 Bosley Avenue  
Towson, Md. 21204

Re: Item #8, Cycle I  
Arthur F. Gnau, et al

Dear Mr. Brooks:

Your request for postponement of this case will be granted by the County Board of Appeals. However, since the applicable provisions of the Charter require that the case and the assigned hearing date be advertised, both in the newspaper and by posting, it will be necessary that we continue with this procedure. Further, to make certain that all requirements are met, it will be necessary that on the morning of the day upon which the case is assigned, the record be opened and the fact of the postponement and the grounds therefore be read into the record, and the postponement be formally granted.

Accordingly, it is requested that you, or someone representing you, appear on the morning of the scheduled date so that we can complete this formality, which is necessary for the Petitioner's protection. You need not, of course, be accompanied by either parties or witnesses for this purpose. In addition to making certain that all legal requirements with regard to the scheduling, advertising, notification, and opening the record of the case are met, this procedure will also give the Board the opportunity to explain the facts concerning the postponement and the reasons therefore to any interested parties who appear on the scheduled day pursuant to the advertisement.

Very truly yours,

William T. Hackett, Esq.  
William T. Hackett, Chairman

WTH:cc

cc: Arthur F. and Estelle E. Gnau  
Mildred Hilda Jaworski  
George J. and Edith M. Seidel  
Nick G. Stamstacos, et al  
Arthur R. and Emma H. Gnau

Gary C. Euvall, Esq.  
Mr. J. E. Dyer

LAW OFFICES  
CHARLES E. BROOKS  
610 BOSLEY AVENUE  
TOWSON, MARYLAND 21204

September 1, 1981

CHARLES E. BROOKS  
JOHN N. KERNETZ

Mr. William T. Hackett  
Chairman  
County Board of Appeals  
Room 219  
Court House  
Towson, Maryland 21204

Re: Arthur F. Gnau, et al,  
Item #8

Dear Mr. Hackett:

Please be advised that I, on behalf of my clients, would like to request that the above-captioned matter be postponed and continued pending the outcome of the three cases outlined in your letter under date of August 18, 1981 in the Circuit Court for Baltimore County.

Further, please be advised that I or someone from my offices will be in attendance at the hearing scheduled before the Board on October 1, 1981 at 10:00 A.M. and will at that time request a continuance of these cases.

Your assistance and cooperation in this matter is greatly appreciated.

Sincerely,

Charles E. Brooks

CEB/jc

RECEIVED  
BALTIMORE COUNTY  
SEP 2 9 46 PM '81

APR 24 1985

9-1-81 Mr. Hackett notified Bank  
office someone has to be here to request  
continuance

Mr. William T. Hackett  
Chairman, County Board of Appeals  
Second Floor  
Court House  
Towson, Maryland 21204

Re: Item No. 8, Cycle No. 1  
Petitioner - Arthur F. Gnau, et al.  
Reclassification Petition  
Case No. R-82-68  
Board of Appeals  
Hearing Date: October 1, 1981 at 10:00 a.m.

Dear Mr. Hackett:

Please be advised that I have been scheduled to appear in  
the Circuit Court for Baltimore County on October 1, 1981 in  
the case of Nelco Corporation v. RFW, Inc. at the same time  
as the above-captioned matter.

Please consider this letter as a request for a postponement  
of the above-captioned matter.

Thank you for your continued cooperation regarding the  
above matter.

Sincerely,

*Charles E. Brooks*  
Charles E. Brooks

CEB/gdc

cc: Mr. Arthur F. Gnau

RECEIVED  
BALTIMORE COUNTY  
OFFICE OF APPEALS  
MAY 31 3 39 PM '81

AREA CODE 410  
800-8600

October 8, 1981

County Board of Appeals  
Room 200  
Court House  
Towson, Md. 21204

Dear Sir,

Please advise me when the Zoning Case R-8268 will be continued.

Property owner is Arthur F. Gnau et al.

Thank you,

*Kenneth Holmes*  
Mr. Kenneth Holmes  
1644 E. Belvedere Ave.  
Baltimore, MD 21239

RECEIVED  
BALTIMORE COUNTY  
OFFICE OF APPEALS  
MAY 31 3 39 PM '81

494-3180

County Board of Appeals  
Room 219, Court House  
Towson, Maryland 21204

March 26, 1982

NOTICE OF ASSIGNMENT  
(CONTINUED HEARING)

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT  
REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN  
STRICT COMPLIANCE WITH BOARD RULE 2(b). ABSOLUTELY NO POSTPONE-  
MENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEAR-  
ING DATE IN ACCORDANCE WITH RULE 2(c), COUNTY COUNCIL BILL #108

CASE NO. R-82-68 ARTHUR F. GNAU, et al  
E/s of Loch Raven Blvd., 244' and 1037' N of  
center line of Sayward Road  
9th District  
Reclassification from D.R. 5.5 to R.O., and  
from D.R. 5.5 to B.L.-CCC

ASSIGNED FOR: TUESDAY, MAY 25, 1982, at 10 a.m.

cc: Charles E. Brooks, Esq. Counsel for petitioners

- Arthur F. & Estelle Gnau Petitioners
- Mildred Jaworski "
- Geo. Sr. and Edith Seidel "
- Nick Stamatacos, et al "
- Arthur R. & Emma Gnau "
- Gary C. Duvall, Esq. People's Counsel
- N. E. Gerber
- J. Hoswell
- W. Hammond
- J. Dyer
- Bd. of Education
- Wm. J. Lowman
- Howard Rohde
- G. Kenneth Holmes

June Holmen, Secy.

BALTIMORE COUNTY  
OFFICE OF PLANNING & ZONING  
TOWSON, MARYLAND 21204  
494-3353

September 17, 1981

WILLIAM E. HAMMOND  
ZONING COMMISSIONER

Charles E. Brooks, Esquire  
610 Bosley Avenue  
Towson, Maryland

RE: Petition for Re-classification & Redistricting  
E/s Loch Raven Blvd., 244' & 1037' N of center-  
line of Sayward Road  
Arthur F. Gnau, et ux - Petitioners  
Case #R-82-68

Dear Mr. Brooks:

This is to advise you that \$117.75 is due for advertising and  
posting of the above property.

Please make check payable to Baltimore County, Maryland, and remit to  
Karen Riegel, Room 113, County Office Building, Towson, Maryland 21204  
before the hearing.

Very truly yours,

*William E. Hammond*  
WILLIAM E. HAMMOND  
Zoning Commissioner

WEH:klr

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT  
No. 102693  
DATE 12/28/81 ACCOUNT 01-662  
AMOUNT \$246.21  
RECEIVED FROM: C. E. B. Properties, Inc.  
FOR: 1st & 2nd full page Add + Individual Posting &  
Advertising of Case #R-82-68 (Gnau)  
24621  
VALIDATION OR SIGNATURE OF CASHIER

RECEIVED  
BALTIMORE COUNTY  
OFFICE OF APPEALS  
DEC 29 3 23 PM '81  
RECEIVED  
SEP 18 1981

494-3180

County Board of Appeals  
Room 219, Court House  
Towson, Maryland 21204  
September 3, 1982

NOTICE OF ASSIGNMENT  
(CONTINUED HEARING)

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT  
REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN  
STRICT COMPLIANCE WITH BOARD RULE 2(b). ABSOLUTELY NO POSTPONE-  
MENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEAR-  
ING DATE IN ACCORDANCE WITH RULE 2(c), COUNTY COUNCIL BILL #108

CASE NO. R-82-68 ARTHUR F. GNAU, et al  
E/s of Loch Raven Blvd., 244' and 1037'  
N of center line of Sayward Road  
9th District  
Reclassification from D.R. 5.5 to R.O.,  
and from D.R. 5.5 to B.L.-CCC

ASSIGNED FOR: WEDNESDAY, OCT. 20, 1982, at 10 a.m.

cc: Charles E. Brooks, Esq. Counsel for petitioners

- Arthur F. & Estelle Gnau Petitioners
- Mildred Jaworski "
- Geo. Sr. and Edith Seidel "
- Nick Stamatacos, et al "
- Arthur R. & Emma Gnau "
- Gary C. Duvall, Esq. People's Counsel
- N. Gerber
- J. Hoswell
- W. Hammond
- J. Dyer
- Bd. of Education
- Wm. J. Lowman
- Howard H. Rohde
- G. Kenneth Holmes
- John R. Meadowcroft
- Ms. Marion K. Yeaple

June Holmen, Secretary

BALTIMORE COUNTY  
OFFICE OF PLANNING & ZONING  
TOWSON, MARYLAND 21204  
494-3353

WILLIAM E. HAMMOND  
ZONING COMMISSIONER

October 5, 1981

Charles E. Brooks, Esquire  
610 Bosley Avenue  
Towson, Maryland 21204

RE: Petition for Re-classification  
E/s Loch Raven Blvd., 244' & 1037' N of  
centerline of Sayward Road  
Case #R-82-68 Item #8  
Arthur F. Gnau, et ux - Petitioners

Dear Mr. Brooks:

This is to advise that \$51.31 is due for the 2nd full page add of  
the cycle 1 billing. You have already been billed for the 1st full page add as well  
as for the individual posting and advertising of this property. All bills must be paid  
before an order is issued. This is your final bill.

Please make check payable to Baltimore County, Maryland, and remit to  
Karen Riegel, Room 113, County Office Building, Towson, Maryland, 21204, as  
soon as possible.

Very truly yours,

William E. Hammond  
Zoning Commissioner

WEH:klr

OCT 7 1981

TLRCC  
Towson - Loch Raven Community Council, Inc.  
p.o. Box 9709 eudowood branch  
Towson, Maryland 21204

May 14th, 1982

Mr. William E. Hammond, Commissioner  
Baltimore County Department of Planning  
and Zoning  
County Office Building  
Towson, Maryland 21204

Dear Commissioner:

At the May 4th meeting of Towson-Loch Raven Community Council  
the member organizations unanimously voted to support the  
decision of Old Hillendale Improvement Association to oppose  
the rezoning of the property located on the east side of Loch  
Raven Boulevard between Sayward Road and the Crown Station.

We further agreed to lend our support to this community in  
any and all future problems arising from the above proposal.

Yours very truly,

*John R. Meadowcroft*  
John R. Meadowcroft  
President

JRM/dvl

cc: Mr. James Petry, President  
Old Hillendale Improvement Association

MAY 18 1982  
ZONING DEPARTMENT

BREEZEVIEW, CAMPUS HILLS, CROWWELL VALLEY, FELLOWSHIP FOREST, GLENDALE-GLENMONT, GREENHUR, HILLENDALE, HILLENDALE PARK,  
KNETTSHALL, LOCH RAVEN HEIGHTS, LOCH RAVEN VILLAGE, NORTHBROOK, OLD HILLENDALE, PELHAM WOOD, RIDGEGLEN, TOWSON ESTATES

BUREAU OF ENGINEERING - BALTIMORE COUNTY, MD

APR 24 1985

January 27, 1982

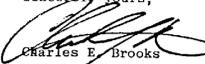
Mr. William T. Hackett, Chairman  
 County Board of Appeals  
 Court House  
 Towson, Maryland 21204

Re: Item Number 8, Cycle #1  
 Petition - Arthur F. Gnau, Et Al  
 Reclassification Petition  
 Case #R-82-68  
 Board of Appeals

Dear Mr. Hackett:

This letter is sent to you for the purposes of confirming our telephone conversation of January 25, 1982, in reference to the above. It is especially requested that the above captioned matter be placed back on an active docket and scheduled for hearing at the board's earliest possible convenience.

Your kind cooperation in reference to the above would be greatly appreciated.

Sincerely yours,  
  
 Charles E. Brooks

CEB:ss  
 cc: Mr. Arthur F. Gnau  
 Arthur F. Gnau and Sons, Inc.

RECEIVED  
 BALTIMORE COUNTY  
 FEB 1 1 05 PM '82  
 COUNTY CLERK'S OFFICE

494-3180

**County Board of Appeals**  
 Room 219 Court House  
 TOWSON, MARYLAND 21204

Dec. 7, 1982

**NOTICE OF POSTPONEMENT and REASSIGNMENT**  
 (CONTINUED HEARING)

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). ABSOLUTELY NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE IN ACCORDANCE WITH RULE 2(c), COUNTY COUNCIL BILL #108

CASE NO. R-82-68 ARTHUR F. GNAU, et al  
 E/s of Loch Raven Blvd., 244' and 1037'  
 N of center line of Sayward Road  
 9th District  
 Reclassification from D.R. 5.5 to R.O.,  
 and from D.R. 5.5 to B.L.-CCC

The above case scheduled for hearing on Tuesday, December 28, 1982, at 10 a.m. has been POSTPONED by the Board at the request of Protestants, and

REASSIGNED FOR: **TUESDAY, FEBRUARY 8, 1983, at 10 a.m.**

- cc: Charles E. Brooks, Esq. Counsel for Petitioners  
 Arthur F. & Estelle Gnau Petitioners  
 Mildred Jaworski "  
 Geo. Sr. & Edith Seidel "  
 Nick Stamatacos, et al "  
 Arthur & Emma Gnau "  
 Gary C. Duvall, Esq. People's Counsel 821-6565

- N. Gerber  
 J. Howell 348  
 W. Hammond  
 J. Dyer  
 Bd. of Education  
 Wm. J. Lowman  
 Howard H. Rohde  
 G. Kenneth Holmes  
 John Meadowcroft  
 Ms. Marion Yeaple

*Handwritten notes:*  
 7/3/83 - Per W.T.H. schedule for hearing when next setting has  
 3/4 2:30 pm  
 June Holmen, Secy.

494-3180

**County Board of Appeals**  
 Room 219, Court House  
 Towson, Maryland 21204  
 March 11, 1982

Charles E. Brooks, Esquire  
 10 Bosley Avenue  
 Towson, Md. 21204

Re: Case No. R-82-68  
 Arthur F. Gnau, et al

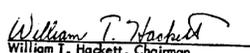
Dear Mr. Brooks:

On August 18, 1981, we notified you that there were pending in the Circuit Court three cases that could possibly have serious impact on the petition for rezoning in the above entitled case which was pending before the Board of Appeals.

At that time it appeared that we could get a final judgment on these three cases in a matter of months. Since then the request for settlement of these cases by Summary Judgment has been denied, and there appears to be no movement toward a full trial or any final judgment.

In view of these developments, the Board wishes to advise you that we will entertain your request for rescheduling of this case if you so desire.

Very truly yours,

  
 William T. Hackett, Chairman

WTH:ae

cc: Arthur F. and Estelle E. Gnau  
 Mildred Hilda Jaworski  
 George J., Sr. and Edith M. Seidel  
 Nick G. Stamatacos, et al  
 Arthur R. and Emma H. Gnau

Old Hillendale Improvement Assn., Inc.  
 c/o Howard H. Rohde, Secretary  
 1100 Epworth Court,  
 Baltimore, Md. 21234

November 20, 1982

Mr. William T. Hackett  
 County Board of Appeals  
 Room 219 Court House  
 Towson, Maryland 21204

Subject: Case No. R-82-68 - Arthur F. Gnau, et al. *Set for 12/28/82*

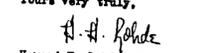
Dear Mr. Hackett:

Please refer to Notice of Postponement and Reassignment dated October 14, 1982 in the subject case signed by June Holmen, Secy. If memory serves me correctly, this is the third postponement in this case.

Our organization met on Wednesday, November 17, 1982 and we found that all of the people who represent us will be out of town on this date because of the holidays.

We are therefore asking that this case be again postponed and that we be informed when it will be continued. Please forward this information to the undersigned at the above address.

Thanking you in advance, I am

Yours very truly,  
  
 Howard H. Rohde, Secretary

*Handwritten notes:*  
 8/28/82  
 2/8

RECEIVED  
 BALTIMORE COUNTY  
 FEB 1 9 4 AM '83  
 COUNTY CLERK'S OFFICE

March 15, 1982

Mr. William T. Hackett  
 Chairman  
 County Board of Appeals  
 Room 219  
 Court House  
 Towson, Maryland 21204

Re: Case No. R-82-68  
 Arthur F. Gnau, et al

Dear Mr. Hackett:

I would very much appreciate the scheduling of a hearing on the above-captioned matter.

Sincerely,

  
 Charles E. Brooks

CEB/jc  
 cc: Mr. Arthur F. Gnau

RECEIVED  
 BALTIMORE COUNTY  
 MAR 22 10 20 AM '82  
 COUNTY CLERK'S OFFICE

*Handwritten notes:*  
 Set for hearing on  
 June 5/25 - 10 am

LAW OFFICES  
**CHARLES E. BROOKS**  
 610 BOSLEY AVENUE  
 TOWSON, MARYLAND 21204

February 4, 1983

County Board of Appeals  
 Room 218, Court House  
 Towson, Maryland 21204

RE: Case No. R-82-68  
 Arthur F. Gnau, et al  
 E/s of Loch Raven Boulevard,  
 244' and 1037'  
 N. of center line of Sayward Road  
 9th District  
 Trial Date: February 8, 1983 @ 10:00 A.M.

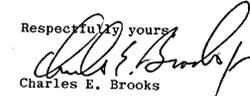
Gentlemen:

Please be advised that I am requesting a postponement in the above-captioned matter due to the fact that I have been ordered by my doctor, Dr. Myrton Gaines, to Greater Baltimore Medical Center at 1:00 p.m. on Monday, February 7, 1983, and I will be an in-patient at the hospital until at least Thursday, February 10, 1983.

I apologize for the lateness of this requested postponement, but I was unaware until Thursday, February 3, 1983, that I would be going into the hospital.

I would request that this matter be rescheduled at the Board's convenience.

Please be advised that I have contacted the offices of the State Counsel, and advised them that I am re-

Respectfully yours,  
  
 Charles E. Brooks

*Handwritten notes:*  
 2/4/83 - Left message with office that Gnau is going to be postponed in open hearing and to call me. First thing on Monday morning. Re notifying O. Stamatatos. In de meantime, I notified Sherman, Able, Meadowcroft, people. Could not find Holmes in phone book.  
 2/7/83 - Continued in open hearing. Mr. Brooks in hospital. ETC

494-3180

**County Board of Appeals**  
 Room 219 Court House  
 TOWSON, MARYLAND 21204  
 October 14, 1982

**NOTICE OF POSTPONEMENT and REASSIGNMENT**  
 (CONTINUED HEARING)

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). ABSOLUTELY NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE IN ACCORDANCE WITH RULE 2(c), COUNTY COUNCIL BILL #108

CASE NO. R-82-68

ARTHUR F. GNAU, et al  
 E/s of Loch Raven Blvd., 244' and 1037'  
 N of center line of Sayward Road  
 9th District  
 Reclassification from D.R. 5.5 to R.O.,  
 and from D.R. 5.5 to B.L.-CCC

The above case scheduled for hearing on Wednesday, Oct. 20, 1982, at 10 a.m., has been POSTPONED by the Board at the request of counsel for the petitioners, and

REASSIGNED FOR: **TUESDAY, DECEMBER 28, 1982, at 10 a.m.**

- cc: Charles E. Brooks, Esq. Counsel for Petitioners  
 Arthur F. & Estelle Gnau Petitioners  
 Mildred Jaworski "  
 Geo. Sr. & Edith Seidel "  
 Nick Stamatacos, et al "  
 Arthur R. & Emma Gnau "  
 Gary C. Duvall, Esq. People's Counsel  
 N. Gerber  
 J. Howell  
 W. Hammond  
 J. Dyer  
 Bd. of Education  
 Wm. J. Lowman  
 Howard H. Rohde  
 G. Kenneth Holmes  
 John R. Meadowcroft

Charles E. Brooks, Esquire  
 610 Bosley Avenue  
 Towson, Maryland 21204

August 31, 1981

**NOTICE OF HEARING**

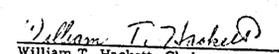
RE: **Petition for Re-Classification & Redistricting**  
 E/s of Loch Raven Blvd., 244' & 1037' N of  
 center line of Sayward Road  
 Arthur F. Gnau, et al - Petitioners  
 Case #R-82-68

TIME: **10:00 A.M.**

DATE: **Thursday, October 1, 1981**

PLACE: **Room 218, Courthouse, Towson, Maryland**

*Handwritten signature:* John M. Kenny

  
 William T. Hackett, Chairman  
 County Board of Appeals

3/26/82 - Following have been notified of hearing (cont'd hear.) set for Tues., May 25, 1982 at 10 a.m.:

- Charles Brooks, Esq.
- Arthur & Estelle Gnaou
- M. Jaworski
- Geo. Sr. and Edith Seidel
- Nick Stamatacos, et al
- Arthur and Emma Gnaou
- Gary Duvall, Esq.
- J. Garber
- J. Haswell
- W. Hammond
- J. Dyer
- Bd. of Ed.
- Wm. Lowman
- Howard Rohde
- Kenneth Holmes

*Continued in open hearing  
Mr. Brooks in Howard  
to be cont'd in normal  
course of scheduling, perhaps  
Sept or Oct*

9/3/82 - Above notified of hearing set for Wed. Oct. 20, 1982, at 10 a.m.

*By Petitioner  
10/19/82*

10/14/82 - Above notified of POSTPONEMENT and REASSIGNMENT for Tues., Dec. 28, 1982, at 10 a.m.

*10/17/82  
by Protestants*

12/7/82 - Above notified of POSTPONEMENT and REASSIGNMENT for TUESDAY, FEB. 8, 1983 at 10 a.m.

*P.P. in open hearing. Mr. Brooks in  
request*

3/14/83 - Above notified of hearing scheduled for WEDNESDAY, JUNE 1, 1983 at 10 a.m.

County Board of Appeals

Room 218, Court House  
Towson, Maryland 21204  
March 14, 1983

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). ABSOLUTELY NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARINGS. DATE IN ACCORDANCE WITH RULE 2(c), COUNTY COUNCIL BILL #108

CASE NO. R-82-68 (Item #8 - Cycle I) ARTHUR F. GNAU, ET AL  
E/S of Loch Raven Blvd., 180' N. of Sayward Road  
9th District

Reclassification from D.R. 5.5 to R-0 and B.L.-CCC

ASSIGNED FOR: WEDNESDAY, JUNE 1, 1983 at 10 a.m.

- cc: Charles E. Brooks, Esq. Counsel for Petitioners
- Arthur F. and Estelle E. Gnaou Petitioners
- Mildred Hilda Jaworski "
- George J., Sr. and Edith M. Seidel "
- Nick G. Stamatacos, et al "
- Arthur R. and Emma H. Gnaou "
- William J. Lowman Protestant
- Howard H. Rohde "
- G. Kenneth Holmes "
- John G. Meadowcroft, President  
Towson-Loch Raven Comm. Council
- Ms. Marion K. Yeaple
- Gary C. Duvall, Esq. People's Counsel
- W. E. Hammond
- J. E. Dyer
- N. E. Gerber
- J. G. Haswell
- Board of Education

Edith T. Eisenhart, Adm. Secretary

Arthur F. Gnaou, et al  
Case No. R-82-68

For all these reasons, it is the opinion of this Board that the D.R. 5.5 zoning under present conditions is in fact an error and that the petition proposing the changes from D.R. 5.5 to R.O. and D.R. 5.5 to B.L.-CCC should be granted and will so order.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 18th day of August, 1983, by the County Board of Appeals, ORDERED that the petition for reclassification from D.R. 5.5 to R.O. on 5.95 acres and from D.R. 5.5 to B.L.-CCC on .46 acres be and the same is GRANTED.

Any appeal from this decision must be in accordance with Rules B-1 thru B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

*William T. Hackett*  
William T. Hackett, Chairman

*Leroy F. Spurrer*  
Leroy F. Spurrer

*Patricia Phipps*  
Patricia Phipps

County Board of Appeals

Room 219, Court House  
Towson, Maryland 21204  
August 18, 1983

Charles E. Brooks, Esquire  
610 Bosley Avenue  
Towson, Maryland 21204

Re: Case No. R-82-68  
Arthur F. Gnaou, et al

Dear Mr. Brooks:

Enclosed herewith is a copy of the Opinion and Order passed today by the County Board of Appeals in the above entitled case.

Very truly yours,

*Jane Holmen*  
Jane Holmen, Secretary

Encl.

- cc: Arthur F. and Estelle E. Gnaou
- Mildred Hilda Jaworski
- George J., Sr. and Edith M. Seidel
- Nick G. Stamatacos, et al
- Arthur R. and Emma H. Gnaou
- William J. Lowman
- Howard H. Rohde
- G. Kenneth Holmes
- John R. Meadowcroft
- Ms. Marion K. Yeaple
- Gary C. Duvall, Esquire
- N. E. Gerber
- J. G. Haswell
- J. E. Dyer
- A. E. Jablon
- Arlene January



County Board of Appeals of Baltimore County

Room 200 Court House  
Towson, Maryland 21204  
(301) 494-3180

September 9, 1983

Mr. Howard H. Rohde, Secretary-Treasurer  
Old Hillendale Improvement Assn., Inc.  
1100 Epworth Court  
Baltimore, Maryland 21234

Re: Case No. R-82-68  
Arthur F. Gnaou, et al

Dear Mr. Rohde:

Replying to your letter of September 1, 1983, please be advised that an appeal from an Order of the County Board of Appeals is filed in the Circuit Court for Baltimore County with a copy to this office. Also, a Petition to Accompany an Order for Appeal must be filed within ten days after an appeal is taken stating the reasons for the appeal.

This office will bill you for certified copies of the papers contained in the file which must accompany the transcript and exhibits when the case is filed in the court. This must be done within thirty days after an appeal is taken. The cost of these certified copies is \$1.00 each and the total amount is according to the size of the file.

We have checked with the Court Reporter, Carol Beresh, and she advises that the transcript of testimony in the Gnaou case would run between \$300/\$350. This transcript is required if an appeal is taken to the Circuit Court, but it is your responsibility to place the order for same with the Court Reporter and payment for same is directly to her. This office does not enter into this transaction. Mrs. Beresh may be reached at this office or at her home - 679-2844.

In addition, for your information, after the case is filed with the Clerk of the Court there are certain requirements that must be followed, including the filing of a Memorandum. The Clerk's office can inform you as to what is required.

Also, please be advised that neither the Zoning Office nor the Board of Appeals maintains a mailing list to advise anyone of pending zoning petitions as it would be impossible to keep everyone

IN THE MATTER OF THE APPLICATION OF ARTHUR F. GNAU, ET AL, FOR RECLASSIFICATION FROM D.R. 5.5 to R.O., and from D.R. 5.5 to B.L.-CCC on properties located on the east side of Loch Raven Blvd., 180' north of Sayward Road 9th District

BEFORE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

No. R-82-68

OPINION

This case comes before this Board on a petition for a reclassification from D.R. 5.5 to R.O. on 5.95 acres and D.R. 5.5 to B.L.-CCC on .46 acres. The subject property is located on the east side of Loch Raven Boulevard, 180 feet north of Sayward Road in the 9th Election District.

Two of the property owners testified as to the many changes in the area since they originally purchased their homes; one in 1950 and the other in 1967. They explained how the widening of Loch Raven Boulevard and the construction of the Goucher Boulevard exit onto Loch Raven Boulevard has adversely impacted their properties.

Mr. Charles Gnaou, whose mother owns the largest of the subject properties and whose brother owns another, explained to the Board that a McDonald's Restaurant is to be developed adjacent to the site where a restaurant, The Hansom House, was originally located. He testified that his mother's property was zoned B.L. in 1971 and B.L. in 1976, but downshifted to D.R. 5.5 in 1980.

A real estate expert, Mr. Frederick Klaus, explained to the Board in detail, the history of the development of the area. The properties consist of five well kept, individual stone homes on large lots, which front directly on Loch Raven Boulevard, south of the heavily commercialized intersection of Loch Raven Boulevard at Taylor Avenue. Loch Raven Boulevard has been extensively improved and widened directly in front of their properties. Lengthy testimony and many exhibits were used to describe the area and its unique situation.

Testimony by Mr. James Haswell, a County Planner, indicated that the properties were an issue on the 1980 Comprehensive Zoning Maps and they are in, he feels, an appropriate zone.

Mr. Howard H. Rohde

advised of such petitions. The law requires that these requests for changes be advertised in two County newspapers and that the properties involved be posted with this information. Therefore, our only suggestion can be for interested parties to watch for these ads and posting signs for future zoning requests.

We trust this is the information you requested and if you are in need of any additional help please do not hesitate to call this office.

Very truly yours,

*William T. Hackett*  
William T. Hackett, Chairman

cc: Barbara Bachur, Chairperson  
Baltimore County Council

IN THE MATTER OF THE APPLICATION OF ARTHUR F. GNAU, et al, FOR RECLASSIFICATION FROM D.R. 5.5 to R.O., and from D.R. 5.5 to B.L.-CCC on properties located on the east side of Loch Raven Blvd., 180' north of Sayward Road 9th District

BEFORE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY No. R-82-68 15/354/83-M-319

ORDER OF APPEAL

MR. CLERK: Please note an appeal on behalf of the People's Counsel of Baltimore County from the Decision and Order of the County Board of Appeals of Baltimore County dated August 18, 1983 to the Circuit Court for Baltimore County.

Gary C. Duvall MILES & STOCKBRIDGE 401 Washington Avenue Towson, Maryland 21204 (301) 821-6565 Special People's Counsel

CERTIFICATION

I HEREBY CERTIFY that on the 14th day of September, 1983, a copy of the foregoing Order of Appeal was hand delivered to Mrs. Edith v. Eisenhart, Administrative Secretary, County Board of Appeals of Baltimore County, Court House, Towson, Maryland 21204 in compliance with Maryland Rule of Procedure B2(c)

Gary C. Duvall

Rec'd 9-14-83 10:13 am

494-3180

County Board of Appeals Room 219, Court House Towson, Maryland 21204 September 16, 1983

Charles E. Brooks, Esq. 610 Bosley Ave. Towson, Md. 21204

Re: Case No. R-82-68 Arthur F. Gnau, et al

Dear Mr. Brooks: Notice is hereby given, in accordance with the Rules of Procedure of the Court of Appeals of Maryland, that an appeal has been taken to the Circuit Court for Baltimore County from the decision of the County Board of Appeals rendered in the above matter.

Enclosed is a copy of the Certificate of Notice.

Very truly yours,

June Holman, Secretary

Encl. cc: Arthur and Estelle Gnau Mildred Jaworski Geo. Sr. and Edith Seidel Nick Stamatacos, et al Arthur R. and Emma Gnau W. J. Lowman H. H. Rohde G. K. Holmes John R. Meadowcroft Marion Yeaple

N. E. Gerber J. Howell A. Jablon J. E. Dyer Bd. of Education

file

BUREAU OF ENGINEERING - BALTIMORE COUNTY, MD

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 14th day of September, 1983, a copy of the foregoing Order of Appeal was mailed to Charles E. Brooks, Esquire, 610 Bosley Avenue, Towson, Maryland 21204; Mr. William J. Lowman, 1102 Epworth Court, Baltimore, Maryland 22134; Mr. Howard H. Rohde, 1100 Epworth Court, Baltimore, Maryland 21234; Mr. G. Kenneth Holmes, 1644 E. Belvedere Avenue, Baltimore, Maryland 21239; Mr. John R. Meadowcroft, President of Towson-Loch Raven Community Counsel, Inc., P. O. Box 9709, Eudowood Branch, Towson, Maryland 21204; and, to Ms. Marion K. Yeaple, 619 Hillen Road, Towson, Maryland 21204.

Gary C. Duvall

494-3180

County Board of Appeals Room 219, Court House Towson, Maryland 21204 September 16, 1983

Gary C. Duvall, Esq. People's Counsel Suite 701, 401 Washington Ave. Towson, Md. 21204

Re: Case No. R-82-68 Arthur F. Gnau, et al

Dear Mr. Duvall: In accordance with Rule B-7 (a) of the Rules of Procedure of the Court of Appeals of Maryland, the County Board of Appeals is required to submit the record of proceedings of the zoning appeal which you have taken to the Circuit Court for Baltimore County in the above matter within thirty days.

The cost of the transcript of the record must be paid by you. Certified copies of any other documents necessary for the completion of the record must also be at your expense.

The cost of the transcript, plus any other documents, must be paid in time to transmit the same to the Circuit Court not later than thirty days from the date of any petition you might file in court, in accordance with Rule B-7 (a).

Enclosed is a copy of the Certificate of Notice; also invoice covering the cost of certified copies of necessary documents.

Very truly yours,

June Holman, Secretary

Encls. file

Rec'd 9/15/83

IN THE MATTER OF THE APPLICATION OF ARTHUR F. GNAU, et al, FOR RECLASSIFICATION FROM D.R. 5.5 to R.O., and from D.R. 5.5 to B.L.-CCC on properties located on the east side of Loch Raven Blvd., 180' north of Sayward Road 9th District

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY AT LAW Misc. Doc. No. 15 Folio No. 354 File No. 83-M-319

Gary C. Duvall, Esq., Special People's Counsel-Appellant Zoning File No. R-82-68

CERTIFICATE OF NOTICE

Mr. Clerk: Pursuant to the provisions of Rule B-2(d) of the Maryland Rules of Procedure, William T. Hackett, Leroy B. Spurrier, and Patricia Phipps, constituting the County Board of Appeals of Baltimore County, have given notice by mail of the filing of the appeal to the representative of every party to the proceeding before it, namely, Charles E. Brooks, Esq., 610 Bosley Ave., Towson, Md. 21204, Counsel for Petitioners; Arthur F. and Estelle E. Gnau, 6801 Loch Raven Blvd., Towson, Md. 21204, Petitioners; Mildred H. Jaworski, 6707 Loch Raven Blvd., Balto., Md. 21239, Petitioner; George J., Sr., and Edith M. Seidel, 6709 Loch Raven Blvd., Balto., Md. 21239, Petitioners; Nick G. Stamatacos, et al, 6711 Loch Raven Blvd., Baltimore, Md. 21239, Petitioners; Arthur R. and Emma H. Gnau, 6713 Loch Raven Blvd., Balto., Md. 21239, Petitioners; Gary C. Duvall, Esq., Suite 701, 401 Washington Ave., Towson, Md. 21204, People's Counsel; William Lowman, 1102 Epworth Ct., Baltimore, Md. 21234, Protestant; Howard H. Rohde, 1100 Epworth Ct., Balto., Md. 21234, Protestant; G. Kenneth Holmes, 1644 E. Belvedere Ave., Balto., Md. 21239; John R. Meadowcroft, President, Towson-Loch Raven Comm. Council, Inc., P.O. Box 9709 Eudowood Branch, Towson, Md. 21204; and Marion K. Yeaple, 619 Hillen Rd., Towson, Md. 21204, a copy of which Notice is attached hereto and prayed that it may be made a part thereof.

June Holman, County Board of Appeals Rm. 200, Court House, Towson, Md. 21204 494-3180

Old Hillendale Improvement Assn. Inc. c/o Howard H. Rohde 1100 Epworth Court Baltimore, Md. 21234

September 1, 1983

Mr. William T. Hackett, Chairman County Board of Appeals, Room 219, Court House Baltimore, Maryland 21204

Re: Case No. R-82-68 - Arthur F. Gnau, et al.

Dear Mr. Hackett:

Thank you for the copy of the Opinion and Order in the subject matter which grants the zoning change requested from D. R. 5.5 to R. O.

While our plans are not certain at this time, should we decide to appeal, we are certain that we would have to engage an attorney, that we would need a transcript among other things. Can you inform us to what court the appeal would be made and the cost of a copy of the transcript. \$300.00

We are also certain that eventually if these properties are sold and converted to offices, that exceptions will be requested for change to the buildings or grounds. We will want to be made aware of requests for exceptions and ask that you see that we are placed on a mailing list to accomplish this.

I thank you in advance for your attention to this matter and hope to hear from you promptly.

Yours very truly,

Howard H. Rohde, Howard H. Rohde, Sec'y./Treas.

cc: Barbara Bachur, Chairperson Baltimore County Council

ARTHUR F. GNAU, et al Case No. R-82-68

I HEREBY CERTIFY that a copy of the foregoing Certificate of Notice has been mailed to Charles E. Brooks, Esq., 610 Bosley Ave., Towson, Md. 21204, Counsel for Petitioners; Arthur F. and Estelle E. Gnau, 6801 Loch Raven Blvd., Towson, Md. 21204, Petitioners; Mildred H. Jaworski, 6707 Loch Raven Blvd., Balto., Md. 21239, Petitioner; George J., Sr., and Edith M. Seidel, 6709 Loch Raven Blvd., Balto., Md. 21239, Petitioners; Nick G. Stamatacos, et al, 6711 Loch Raven Blvd., Balto., Md. 21239, Petitioners; Arthur R. and Emma H. Gnau, 6713 Loch Raven Blvd., Balto., Md. 21239, Petitioners; Gary C. Duvall, Esq., Suite 701, 401 Washington Ave., Towson, Md. 21204, People's Counsel; William Lowman, 1102 Epworth Ct., Balto., Md. 21234, Protestant; Howard H. Rohde, 1100 Epworth Ct., Balto., Md. 21234, Protestant; G. Kenneth Holmes, 1644 E. Belvedere Ave., Balto., Md. 21239; John R. Meadowcroft, President, Towson-Loch Raven Comm. Council, Inc., P.O. Box 9709 Eudowood Branch, Towson, Md. 21204; and Marion K. Yeaple, 619 Hillen Rd., Towson, Md. 21204, on this 16th day of September, 1983.

June Holman County Board of Appeals of Baltimore County

IN THE MATTER OF THE APPLICATION OF ARTHUR F. GNAU, et al., RECLASSIFICATION FROM D.R. 5.5 to R.O., and from D.R. 5.5 to B.L.-CCC on properties located on the east side of Loch Raven Blvd., 180' north of Sayward Road 9th District

BEFORE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY Docket: 15 Folio: 354 Case: 83-M-319

PETITION ON APPEAL

Gary C. Duvall, Special People's Counsel for Baltimore County, pursuant to Maryland Rule of Procedure B2(e) files in the within proceeding their Petition setting forth the following actions appealed from, the errors committed by the County Board of Appeals of Baltimore County and the relief sought as follows:

- 1. This proceeding is an appeal from the Order of the County Board of Appeals of Baltimore County reclassifying the property of Arthur F. and Estelle E. Gnau, Mildred Hilda Jaworski, George J. and Edith M. Seidel, Mr. and Mrs. Arthur R. Gnau, and Mr. and Mrs. Nicholas Stamatacos from D.R. 5.5 zoning to R.O. and B.L.-CCC pursuant to the Board's Order of August 18, 1983.
2. An Order of Appeal was filed by the People's Counsel of Baltimore County on September 14, 1983.
3. That the County Board of Appeals of Baltimore County was in error in rendering its Order of August 18, 1983 in that:
a. There was no legally sufficient evidence of any error in the adoption of the 1980 Comprehensive Zoning Map by the Planning Board, County Council for Baltimore County, or the County Executive with respect to the subject properties;
b. There was no legally sufficient evidence of any confiscatory taking of the subject properties due to the

Rec'd 9-22-83 1 PM

downshift in zoning of the same;

c. There was no legally sufficient evidence before the County Board of Appeals that the establishment of an R.O. zone for the subject properties would create a buffer zone or that the buffer zone theory was a legal criteria upon which the County Board of Appeals could base its Opinion and subject Order;

d. There was no legally sufficient evidence of any substantial change in the neighborhood surrounding the subject properties to warrant a finding of error in the adoption of the 1980 Comprehensive Zoning Map with respect to the subject properties;

e. That the subject properties were specific issues before the Planning Board and the County Council prior to the adoption of the 1980 Comprehensive Zoning Map. That the County Council, upon a review of the matter, visited the subject properties and agreed with the Board's recommendation to downshift the subject properties;

f. There was no legally sufficient evidence that a reclassification of the subject properties was warranted;

g. There was no legally sufficient evidence that the last classification prior to the adoption of the 1980 Comprehensive Zoning Map was in error;

h. There was no legally sufficient evidence to show that there was no reasonable use for the subject properties within the D.R. 5.5 zoning classification;

i. There was no legally sufficient evidence that there were any existing facts which the County Council or the Planning Board failed to take into consideration before zoning the subject properties;

j. There was no legally sufficient evidence of

IN THE MATTER OF \* BEFORE  
 THE APPLICATION OF \* COUNTY BOARD OF APPEALS  
 ARTHUR F. GNAU, et al., \* OF  
 FOR RECLASSIFICATION FROM \* BALTIMORE COUNTY  
 D.R. 5.5 to R.O., and from \*  
 D.R. 5.5 to B.L.-CCC \*  
 on properties located on the \*  
 east side of Loch Raven Blvd., \* 15/354/83-M-319  
 180' north of Sayward Road \*  
 9th District \*

ORDER

Upon consideration of the Petition for Extension of Time to File Transcript and it appearing to the Court that sufficient cause is shown for granting the same, it is this \_\_\_ day of \_\_\_\_\_, 1983, by the Circuit Court for Baltimore County, ORDERED that the record in the within proceedings be transmitted to the Circuit Court for Baltimore County on or before November 28, 1983.

JUDGE

any facts which existed after adoption of the 1980 Comprehensive Zoning Map which the County Council could not have considered at the time of the adoption of the 1980 Comprehensive Zoning Map.

WHEREFORE, the People's Counsel of Baltimore County petitions this Court to reverse the Order of the County Board of Appeals of Baltimore County dated August 18, 1983;

AND, for such other and further relief as the nature of the Petitioner's cause may require.

*Gary C. Duvall*  
 Gary C. Duvall  
 MILES & STOCKBRIDGE  
 401 Washington Avenue  
 Towson, Maryland 21204  
 (301) 821-6565

Special People's Counsel

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 20 day of September, 1983, a copy of the foregoing Petition on Appeal was mailed to Charles E. Brooks, Esquire, 610 Bosley Avenue, Towson, Maryland 21204, Counsel for Petitioners; Mrs. Edith T. Eisenhart, Administrative Secretary, County Board of Appeals of Baltimore County, Court House, Towson, Maryland 21204; Mr. William J. Lowman, 1102 Epworth Court, Baltimore, Maryland 21234; Mr. Howard H. Rohde, 1100 Epworth Court, Baltimore, Maryland 21234; Mr. G. Kenneth Holmes, 1644 E. Belvedere Avenue, Baltimore, Maryland 21239; Mr. John R. Meadowcroft, President of Towson-Loch Raven Community Counsel, Inc., P.O. Box 9709, Dudwood Branch, Towson, Maryland 21204; and to Ms. Marion K. Yeaple, 619 Hillen Road, Towson, Maryland 21204.

*Gary C. Duvall*  
 Gary C. Duvall

IN THE MATTER OF \* BEFORE  
 THE APPLICATION OF \* COUNTY BOARD OF APPEALS FOR  
 ARTHUR F. GNAU, et al., \*  
 RECLASSIFICATION FROM \* OF  
 D.R. 5.5 to R.O., and from \* BALTIMORE COUNTY  
 D.R. 5.5 to B.L.-CCC \* 15/354/83-M-319  
 on properties located on the \*  
 east side of Loch Raven Blvd., \*  
 180' north of Sayward Road \*  
 9th District \*

PETITION FOR EXTENSION OF TIME TO FILE TRANSCRIPT

Gary C. Duvall, Special People's Counsel of Baltimore County, petitions this Court pursuant to Maryland Rule of Procedure B7(b) for an extension of time within which to transmit the record in the within proceedings and for reasons says as follows:

1. That your Petitioner has been informed by Mrs. Carol Beresh, stenographer for the County Board of Appeals of Baltimore County, that an additional forty-five (45) days will be necessary beyond the normal thirty (30) days provided by the Rules of Court within which to transcribe and transmit the record in the within proceedings.

2. That no prejudice will inure to the Respondents by such delay in the filing of the record in this case.

WHEREFORE, the People's Counsel of Baltimore County petitions this Court for an Order extending the time within which to transmit the record in the within proceedings until November 28, 1983.

*Gary C. Duvall*  
 Gary C. Duvall  
 MILES & STOCKBRIDGE  
 401 Washington Avenue  
 Towson, Maryland 21204  
 (301) 821-6565

Special People's Counsel

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 21 day of September, 1983, a copy of the foregoing Petition for Extension of Time to File Transcript was mailed to Charles E. Brooks, Esquire, 610 Bosley Avenue, Towson, Maryland 21204, Counsel for Petitioners; Mrs. Edith T. Eisenhart, Administrative Secretary, County Board of Appeals of Baltimore County, Court House, Towson, Maryland 21204; Mr. William J. Lowman, 1102 Epworth Court, Baltimore, Maryland 21234; Mr. Howard H. Rohde, 1100 Epworth Court, Baltimore, Maryland 21234; Mr. G. Kenneth Holmes, 1644 E. Belvedere Avenue, Baltimore, Maryland 21239; Mr. John R. Meadowcroft, President of Towson-Loch Raven Community Counsel, Inc., P.O. Box 9709, Dudwood Branch, Towson, Maryland 21204; and to Ms. Marion K. Yeaple, 619 Hillen Road, Towson, Maryland 21204.

*Gary C. Duvall*  
 Gary C. Duvall

People's Counsel of Balto. Co. \*  
 In the matter of the application of Arthur F. Gnau, et al. \*  
 IN THE CIRCUIT COURT \*  
 FOR \*  
 BALTIMORE COUNTY \*  
 Docket 15 Folio 354 \*  
 Case No. 83-M-319 \*

NOTICE OF FILING OF RECORD

TO: Gary C. Duvall Charles E. Brooks June Holmen  
 Miles & Stockbridge 610 Bosley Ave. Ed. of Appeals of  
 401 Washington Ave. Towson, Md. 21204 Balto. Co.  
 Towson, Md. 21204 Mail Stop 2205

In accordance with Maryland Rule of Procedure B12, you are notified that the record in the above entitled case was filed on Nov. 2, 1983

*Clifford H. ...*  
 Clerk

*Rec'd 9-22-83  
 1:07m*

**CIRCUIT COURT FOR BALTIMORE COUNTY**  
 ASSIGNMENT OFFICE  
 COUNTY COURTS BUILDING  
 401 Bosley Avenue  
 P.O. Box 6754  
 Towson, Maryland, 21204-0754  
 February 8, 1984.

TO: Gary C. Duvall, Esq.  
 Charles E. Brooks, Esq.  
 County Board of Appeals of Balto. Co.

RE: **83-M-319 - PEOPLE'S COUNSEL OF BALTO CO. ARTHUR F. GNAU ET AL VS COUNTY BOARD OF APPEALS OF BALTO CO.**  
 Thursday, April 5, 1984, @ 9:30 a.m.  
 Appeals 1/2 hour

HEARING DATE:  
 ON THE FOLLOWING:

UPON RECEIPT OF THIS NOTICE, Counsel shall contact each other immediately to conform calendars. Claim or not receiving notice will not constitute reason for postponement.

POSTPONEMENTS: If the above date is not agreeable to any counsel, a request for a postponement MUST BE MADE IN WRITING to the Assignment Office AS SOON AS POSSIBLE. A copy of all counsel involved. POSTPONEMENTS WITHIN 15 DAYS OF TRIAL must be made to the attention of the Director of Central Assignments - Joyce Grimm - 484-6487.

SETTLEMENT CONFERENCES: All counsel must secure the attendance of all parties necessary to effect a binding settlement, including clients and insurance representatives. THERE WILL BE NO EXCEPTIONS PER ORDER OF JUDGE FRANK E. CUONE. Please direct all inquiries to the attention of Jobi Adams.

SETTLEMENTS: If a settlement is reached prior to the hearing date, the Assignment Office must be notified immediately. All settlements must be put on the record if no order of satisfaction is filed prior to trial.

**CIRCUIT COURT FOR BALTIMORE COUNTY**  
 ASSIGNMENT OFFICE  
 COUNTY COURTS BUILDING  
 401 Bosley Avenue  
 P.O. Box 6754  
 Towson, Maryland, 21204-0754  
 November 15, 1983.

TO: Gary C. Duvall, Esq.  
 Charles E. Brooks, Esq.  
 County Board of Appeals of Balto. Co.  
 Thomas J. Bollinger, Esq.

RE: **83-M-319 - ARTHUR F. GNAU ET AL VS COUNTY BOARD OF APPEALS OF BALTO. CO.**  
 Thursday, February 2, 1984, @ 9:30 a.m.  
 Appeals 1/2 hour

HEARING DATE:  
 ON THE FOLLOWING:

UPON RECEIPT OF THIS NOTICE, Counsel shall contact each other immediately to conform calendars. Claim or not receiving notice will not constitute reason for postponement.

POSTPONEMENTS: If the above date is not agreeable to any counsel, a request for a postponement MUST BE MADE IN WRITING to the Assignment Office AS SOON AS POSSIBLE. A copy of all counsel involved. POSTPONEMENTS WITHIN 15 DAYS OF TRIAL must be made to the attention of the Director of Central Assignments - Joyce Grimm - 484-6487.

SETTLEMENT CONFERENCES: All counsel must secure the attendance of all parties necessary to effect a binding settlement, including clients and insurance representatives. THERE WILL BE NO EXCEPTIONS PER ORDER OF JUDGE FRANK E. CUONE. Please direct all inquiries to the attention of Jobi Adams.

SETTLEMENTS: If a settlement is reached prior to the hearing date, the Assignment Office must be notified immediately. All settlements must be put on the record if no order of satisfaction is filed prior to trial.

IN THE MATTER OF THE APPLICATION OF ARTHUR F. GNAU, et al., RECLASSIFICATION FROM D.R. 5.5 to R.O., and from D.R. 5.5 to B.L.-CCC on properties located on the east side of Loch Raven Blvd., 180' North of Sayward Road 9th District

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY AT LAW

Hisc. Doc. No. 15 Folio No. 354 File No. 83-M-319

Zoning File No. R-82-68

**ANSWER TO PETITION ON APPEAL**

Now come Arthur F. and Estelle E. Gnau, Mildred Hilda Jaworski, George J. and Edith M. Seidel, Mr. and Mrs. Arthur R. Gnau, and Mr. and Mrs. Nicholas Stamstacos, Appellees herein, by Charles E. Brooks, their attorney, and for answer to the Petition on Appeal heretofore filed in the above-captioned matter, say:

1. That they admit the allegations contained in paragraph 1 thereof.
2. That they admit the allegations contained in paragraph 2 thereof.
3. That they deny the allegations contained in paragraph 3.a. thereof. That they deny the allegations contained in paragraph 3.b. thereof. That they deny the allegations contained in paragraph 3.c. thereof. That they deny the allegations contained in paragraph 3.d. thereof. That they neither admit nor deny the allegations contained in paragraph 3.e. thereof, and demand strict proof thereof. That they deny the allegations contained in paragraph 3.f. thereof. That they deny the allegations contained in paragraph 3.g. thereof. That they deny the allegations contained in paragraph 3.h. thereof. That they deny the allegations contained in paragraph 3.i. thereof. That they deny the allegations contained in paragraph 3.j. thereof.
4. That in further answer to the Petition filed on

LAW OFFICES  
CHARLES E. BROOKS  
610 BOSLEY AVENUE  
TOWSON, MD 21284  
296-2000

Dec. 10/11/85

Arthur F. Gnau, et al  
Case No. R-82-68

For all these reasons, it is the opinion of this Board that the D.R. 5.5 zoning under present conditions is in fact an error and that the petition proposing the changes from D.R. 5.5 to R.O. and D.R. 5.5 to B.L.-CCC should be granted and will so order.

**ORDER**

For the reasons set forth in the foregoing Opinion, it is this 18th day of August, 1983, by the County Board of Appeals, ORDERED that the petition for reclassification from D.R. 5.5 to R.O. on 5.95 acres and from D.R. 5.5 to B.L.-CCC on .46 acres be and the same is GRANTED.

Any appeal from this decision must be in accordance with Rules B-1 thru B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

William T. Hockett, Chairman  
Leroy V. Spindler  
Patricia Phipps

behalf of the Appellants, the Appellees assert that the County Board of Appeals of Baltimore County appropriately determined that the County Council was clearly in error when it voted the property D.R. 5.5. The Opinion of the Board contains numerous facts which clearly support their determination. A copy of said Opinion is attached hereto and made a part hereof and indicated as Exhibit 1. The Board found that the testimony offered by the Petitioners/Appellees, as well as their experts, clearly demonstrated that the property should have been zoned R.O. and B.L.-CCC with the adoption of the Comprehensive Zoning Map in 1980.

WHEREFORE, Appellees request that this Court dismiss the Order of Appeal filed by the Special People's Counsel for Baltimore County;

AND, for such other and further relief as the nature of their cause may require.

CHARLES E. BROOKS  
Law Offices of Charles E. Brooks  
610 Bosley Avenue  
Towson, Maryland 21204  
Telephone: 301-296-2600  
Attorney for Appellees

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 11th day of October, 1983, a copy of the foregoing Answer to Petition on Appeal was mailed to Gary C. Duvall, Esquire, Miles & Stockbridge, 401 Washington Avenue, Towson, Maryland 21204, Special People's Counsel; and to Mrs. Edith T. Eisenhart, Administrative Secretary, County Board of Appeals of Baltimore County, Court House, Towson, Maryland 21204.

CHARLES E. BROOKS

-2-

**MANDATE -**  
**Court of Special Appeals of Maryland**  
No. 733, September Term, 1984

ARTHUR F. GNAU et al 1/14/85: Order dismissing appeal  
2/13/85: Appeal dismissed. Mandate issued.

PEOPLE'S COUNSEL OF BALTIMORE COUNTY

**STATEMENT OF COSTS:**

In Circuit Court: for Baltimore County  
Record 30.00  
Stenographer's Costs 50.00

In Court of Special Appeals:  
Filing Record on Appeal 30.00  
Printing Brief for Appellant 62.40  
Reply Brief 62.40  
Portion of Record Extract - Appellant .969.60  
Printing Brief for Cross-Appellee

Printing Brief for Appellee 86.40  
Portion of Record Extract - Appellee  
Printing Brief for Cross-Appellant

**STATE OF MARYLAND, Sec:**

I do hereby certify that the foregoing is truly taken from the records and proceedings of the said Court of Special Appeals.

In testimony whereof, I have hereto set my hand as Clerk and affixed the seal of the Court of Special Appeals, this Thirteenth day of February A.D. 1985.

Clerk of the Court of Special Appeals of Maryland.

Costs shown on this Mandate are to be settled between counsel and NOT THROUGH THIS OFFICE.

IN THE MATTER OF THE APPLICATION OF ARTHUR F. GNAU, ET AL., FOR RECLASSIFICATION FROM D.R. 5.5 to R.O., and from D.R. 5.5 to B.L.-CCC on properties located on the east side of Loch Raven Blvd., 180' north of Sayward Road 9th District

IN RE: COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY No. R-82-68

**OPINION**

This case comes before this Board on petition for a reclassification from D.R. 5.5 to R.O. on 5.95 acres and D.R. 5.5 to B.L.-CCC on .46 acres. The subject property is located on the east side of Loch Raven Boulevard, 180 feet north of Sayward Road in the 9th Election District.

Two of the property owners testified as to the many changes in the area since they originally purchased their homes; one in 1950 and the other in 1967. They explained how the widening of Loch Raven Boulevard and the construction of the Goucher Boulevard exit onto Loch Raven Boulevard has adversely impacted their properties.

Mr. Charles Gnau, whose mother owns the largest of the subject properties and whose brother owns another, explained to the Board that a McDonald's Restaurant is to be developed adjacent to the site where a restaurant, The Hansom House, was originally located. He testified that his mother's property was zoned B.L. in 1971 and B.L. in 1976, but downshifted to D.R. 5.5 in 1980.

A real estate expert, Mr. Frederick Klaus, explained to the Board in detail, the history of the development of the area. The properties consist of five well kept, individual stone homes on large lots, which front directly on Loch Raven Boulevard, south of the heavily commercialized intersection of Loch Raven Boulevard and Taylor Avenue. Loch Raven Boulevard has been extensively improved and widened directly in front of their properties. Lengthy testimony and many exhibits were used to describe the area and its unique situation.

Testimony by Mr. James Hoswell, a County Planner, indicated that the properties were on issue on the 1980 Comprehensive Zoning Maps and they are in, he feels, an appropriate zone.

**EXHIBIT 1**

Arthur F. Gnau, et al IN THE COURT OF SPECIAL APPEALS OF MARYLAND No. 733, September Term, 1984

# R-82-68

**ORDER**

This case coming on for hearing and the parties being agreed that the matter is now moot, it is this 12th day of January, 1985, ORDERED, that the case be, and is hereby, dismissed.

1985 JAN 13

Chief Judge  
Theodore G. Bloom, Judge  
Robert M. Bell, Judge

RECEIVED  
COUNTY BOARD OF APPEALS  
R-5 JAN 18 A 9 05

Arthur F. Gnau, et al  
Case No. R-82-68

Mr. Howard Rohde, whose property abuts the Gnau property, from the rear, expressed his opposition to a zoning change.

The Board must consider and will quote the R.O. Legislation, Sec. 203.2, "Statement of Legislative Policy".

'203.2 - Statement of Legislative Policy. The R-O zoning classification is established, pursuant to the findings stated above, to accommodate houses converted to office buildings and some small Class B office buildings in predominantly residential areas on sites that, because of adjacent commercial activity, heavy commercial traffic, or other, similar factors, can no longer reasonably be restricted solely to uses allowable in moderate-density residential zones. It is intended that buildings and uses in R-O zones shall be highly compatible with the present or prospective uses of nearby residential property. It is not the R-O classification's purpose to accommodate a substantial part of the demand for office space, it being the intent of these Zoning Regulations that office-space demand should be met primarily in C, T, districts, C.C.C. districts, and, to a lesser extent, in other commercial areas.' (Bill No. 13-80)

The R-O zoning classification is established pursuant to the findings stated above, to accommodate houses converted to office buildings and some small Class B office buildings in predominantly residential areas on sites that, because of adjacent commercial activity, heavy commercial traffic, or other similar factors, can no longer reasonably be restricted solely to uses allowable in moderate-density residential zones.

The Board is of the opinion that to downshift the portion of the Gnau property from B.L. to D.R. 5.5 and to retain D.R. 5.5 zoning on the other properties was in fact an error by the County Council. Because of the seven lane boulevard with its intersection at Goucher Boulevard and the commercialism to the north, these properties are no longer conducive to strictly residential living. The R.O. zone would create a buffer between the B.L. zone where the McDonald's Restaurant is to be located and the residential properties to the east and south.

Further, as the R.O. Legislation clearly states, these dwellings would be converted to offices subject to all the requirements of the R.O. zone. A special exception would be required before any additions to or the razing of these buildings could be considered.

ARTHUR F. GNAU, ET AL Item #8 R-82-68  
E/S Loch Raven Blvd., 180' N. Sayward Road 9th District  
Reclassification from D.R. 5.5 to R.O., and 5.95 acres from D.R. 5.5 to B.L.-CCC (5 properties) .46 acres

- March 2, 1981 Petitions filed
- Oct. 1, 1981 Hearing held on petitions
- June 1, 1983 Continued hearing on petitions
- Aug. 18, 1983 Order of the Board granting the reclassification
- Sept. 14, 1983 Order for Appeal filed in Cir. Ct. for Balto. Cty. by Gary C. Duvall, Esq., Special People's Counsel
- Sept. 16, " Certificate of Notice sent out
- Nov. 2, " Re. cord of proceedings filed in the Circuit Ct. For Balto. County
- May 2, 1984 Board REVERSED (Judge E. A. DeWaters) 5/4/84 - ccr: A. Jablon A. January J. Hoswell
- " 28 Order for Appeal filed in the Court of Special Appeals by Charles E. Brooks, Esq. Counsel for Petitioners 5/31/84 - ccr: A. Jablon A. January J. Hoswell
- Jan. 14, 1985 DISMISSED by Court of Special Appeals (Moot) 1/21/85 - ccr: A. Jablon E. Hennegan J. Hoswell
- Feb. 13 MANDATE ISSUED - Appeal dismissed. A. Jablon A. January J. Hoswell



ature, so that the Council's action was premised initially on a misapprehension. *Bonnie View Club v. Glass*, 242 Md. 46, 52-53, 217 A.2d 647, 651(1966); *Jobar Corp. v. Rodgers Forge Community Ass'n.*, 236 Md. 106, 112, 116-18, 121-22, 202 A.2d 612, 615, 617-18, 620-21 (1964); *Overton v. County Commissioners*, 225 Md. 212, 216-17, 170 A.2d 172, 174-76 (1961); see *Rohde v. County Board of Appeals*, 235 Md. 259, 267-68 199 A.2d 216, 218-19(1964). Error or mistake may also be established by showing that events occurring subsequent to the comprehensive zoning have proven that the Council's initial premises were incorrect. As the Court of Appeals said in *Rockville v. Stone*, 271 Md. 655, 662, 319 A.2d 536, 541 (1974):

'On the question of original mistake, this Court has held that when the assumption upon which a particular use is predicated proves, with the passage of time, to be erroneous, this is sufficient to authorize a rezoning.'

See *Rohde*, supra, at 234 Md. 267-68, 199 A.2d 220-21; *England v. Rockville*, 230 Md. 43, 45-47, 185 A.2d 378, 379-80 (1962); *Pressman v. Baltimore*, 222 Md. 330, 338-39, 160 A.2d 379, 383 (1960); *White v. County Board of Appeals*, 219 Md. 136, 144, 148 A.2d 420, 423-24(1959); cf. *Dill v. The Jobar Corp.*, 242 Md. 16, 20-21, 24, 217 A.2d 564, 567-68 (1966); *Marcus v. Montgomery County Council*, 235 Md. 535, 540-41, 201 A.2d 777, 780(1964); *Offutt v. Board of Zoning Appeals*, 204 Md. 551, 558, 105 A.2d 219, 221-22(1954); *Wakefield v. Kraft*, 202 Md. 136, 144-45, 149, 96 A.2d 27, 30(1953); *Hoffman v. City of Baltimore*, 197 Md. 294, 307, 79 A.2d 367, 373-74 (1951).

"It is presumed, as part of the presumption of validity accorded comprehensive zoning, that at the time of the adoption of the map the Council had before it and did, in fact, consider all of the relevant facts and circumstances then existing. Thus, in order to establish error based upon a failure to take existing facts or events reasonably foreseeable of fruition into account, it is necessary not only to show [1] the facts that existed at the time of the comprehensive zoning but also [2] which, if any, of those facts were not actually considered by the Council. This evidentiary burden can be accomplished by showing that specific physical facts were not readily visible or discernible at the time of the comprehensive zoning. *Bonnie View Club*, supra, at 242 Md. 48-49, 52, 217 A.2d 649, 651 (mineshaft and subsurface rock formation); by adducing testimony on the part of those preparing the plan that then existing facts were not taken into account. *Overton*, supra, at 225 Md. 216-17, 170 A.2d 174-75 (topography); or by producing evidence that the Council failed to make any provision to accommodate a project, trend or need which it, itself, recognized as existing at the time of the comprehensive zoning. *Jobar Corp.*, supra, at 236 Md. 116-17, 202 A.2d 617-18 (need for apartments). See *Rohde*, supra, at 234 Md. 267-68, 199 A.2d 221. Because facts occurring subsequent to a comprehensive zoning were not in existence at the time, and, therefore, could not have been considered, there is no necessity to present evidence that such facts were not taken into account by the Council at the time of the comprehensive zoning. Thus, unless there is probative evidence to show that there were then existing facts which the Council, in fact, failed to take into account,

or subsequently occurring events which the Council could not have taken into account, the presumption of validity accorded to comprehensive zoning is not overcome and the question of error is not 'fairly debatable.'

"Moreover, in reviewing the evidence before the Board it must also be noted that the opinion or conclusion of an expert or lay witness is of no greater probative value than that warranted by the soundness of his underlying reasons or facts. *Surkovich v. Doub*, 258 Md. 263, 272, 265 A.2d 447, 451 (1970); *Anderson v. Sawyer*, 23 Md. App. 612, 618, 329 A.2d 716, 720. The Court of Appeals and this Court have stated that an opinion, even that of an expert, is not evidence strong or substantial enough to show error in a comprehensive rezoning unless the reasons given by the witness as the basis for his opinion, or other supporting facts relied upon by him, are themselves substantial and strong enough to do so. *Stratakis*, supra, at 268 Md. 655, 304 A.2d 250; *Coppolino v. County Board of Appeals of Baltimore County*, 23 Md. App. 358, 371-72, 328 A.2d 55, 62(1974)." (Emphasis added) (footnote omitted).

In order to prevail the petitioners had to present strong evidence that the Baltimore County Council failed to take into account existing facts, or projects or trends which were reasonably foreseeable of fruition in the future or by showing strong evidence of mistake or error by events occurring subsequent to the comprehensive zoning establishing the Council's initial premise as incorrect.

This court has reviewed the transcript and finds that the evidence presented before the Board is not sufficient to establish strong evidence on the issues set out in *Howard County v. Dorsey*, supra and *Boyce v. Sembly*, supra. Even evidence of experts is insufficient to meet the burden if the evidence is not strong or substantial enough to show error in a comprehensive rezoning. Neither Mr. Klaus nor Mr. Hoswell supplied strong evidence of failure by the Baltimore County Council to take into account existing facts, or projects or trends which were reasonably foreseeable of fruition in the future or strong evidence of events occurring subsequent to the comprehensive zoning establishing the Council's initial premise as incorrect. Certainly, the testimony of George Seidel, Sr., Nick G. Stamatocos and Charles Gnau did not meet the burden even if combined with that of Mr. Klaus and Mr. Hoswell.

Under all the circumstances in this case the presumption of validity accorded to the comprehensive rezoning by the Baltimore County

Council was not overcome and the question of error or mistake in the comprehensive zoning of the subject property was not reasonably debatable which is the scope of review for this court. Accordingly, it was not proper for the Board to grant the reclassification on the ground of mistake or error.

Assuming that section 2-58.1(k) of the Baltimore County Code does not prevent the Board from considering change of character of the neighborhood, a point which was not addressed by the Board in its opinion, this court finds that the evidence does not support a change in the character of the neighborhood.

If the Board granted the reclassification because of a change in the neighborhood, the reclassification would be based solely on the change of a restaurant operating with a liquor license to a fast food operation without a liquor license. The record reveals that to be the only change since the adoption of the 1980 maps of any consequence. This is not sufficient to make the issue reasonably debatable.

Finally, an argument is made that the action of the County Council is confiscatory. It is clear that the owners of the property here involved have a use of the property which can be utilized thereby preventing a successful argument of confiscation.

For reasons stated above, the decision of the Board granting the reclassification of this property is reversed.

*Edward A. DeWaters, Jr.*  
Edward A. DeWaters, Jr.  
Judge

Date *May 5, 1984*

EAA/vc  
cc: Gary C. Duvall, Esq.  
Charles E. Brooks, Esq.

PEOPLE'S COUNSEL OF BALTIMORE COUNTY \*  
IN THE MATTER OF THE APPLICATION OF \*  
ARTHUR F. GNAU, et al, \*  
FOR RECLASSIFICATION FROM \*  
D.R. 5.5. to R.O., and from \*  
D.R. 5.5. to B.L. - CCC on properties \*  
located on the east side of Loch Raven \*  
Blvd. 180' north of Sayward Rd. 9th Dist. \*  
VS. \*  
COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY \*

Misc. Law No. 83-M-319  
# R-82-68

OPINION

This is an appeal from a hearing before the County Board of Appeals of Baltimore County wherein a petition for a reclassification of property from D.R. 5.5. to R.O. on 5.95 acres and D.R. 5.5. to B.L. - CCC on .46 acres was granted. The appellant is the People's Counsel of Baltimore County and the appellees, petitioners below, are Arthur F. & Estelle E. Gnau, Mildred Hilda Jaworski, George J. & Edith M. Seidel, Nick G. Stamatocos and Arthur P. & Emma H. Gnau (petitioners).

The County Board of Appeals of Baltimore County (Board) in granting the petition relied upon mistake or error. *Pattey v. Board of County Commissioners for Worcester County*, 271 Md. 352, 317 A.2d 142 held that there is a strong presumption of correctness of original zoning and of comprehensive rezoning, and that strong evidence of error is required to overcome that presumption. The Baltimore County Counsel had placed the property here involved on the 1980 zoning maps as D.R. 5.5 property downgrading the said property from commercial zoning.

The law regarding mistake or error as those terms are used in zoning law is discussed in *Howard County v. Dorsey*, 292 Md. 351, 438 A.2d 1339 and *Boyce v. Sembly*, 25 Md. App. 43 A.2d 137 which states as follows:

"A perusal of cases, particularly those in which a finding of error was upheld, indicates that the presumption of validity accorded to a comprehensive zoning is overcome and error or mistake is established when there is probative evidence to show that the assumptions or premises relied upon by the Council at the time of the comprehensive rezoning were invalid. Error can be established by showing that at the time of the comprehensive zoning the Council failed to take into account then existing facts, or projects or trends which were reasonably foreseeable of fruition in the

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